

# **Enders Island Zoning Compliance Report**

1.11.2018

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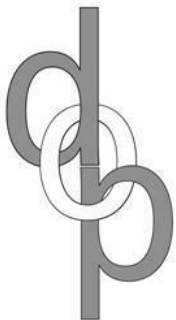
### **About the Department of Planning**

The Stonington Department of Planning is a Town Charter-established agency that works under the direction of the First Selectman of the Town of Stonington. The team is comprised of land use and community development professionals, that work to implement recommendations in the Town's Plan of Conservation and Development, review land use applications, and enforce land use regulations.

When enforcing zoning regulations, the Department of Planning works as an agent of the Town of Stonington Planning and Zoning Commission. The Commission is an independent town agency comprised of volunteers that are electors of the community.

Jason Vincent, AICP – Director of Planning  
Keith Brynes, AICP, CZET – Town Planner  
Candace Palmer, CZEO – Zoning & Wetland Official  
Gayle Phoenix, CZET – Land Use Application Facilitator  
Cheryl Sadowski – Land Use Application Facilitator

**STONINGTON**  
Department of Planning



## 1. FINDINGS

### NO ZONING ENFORCEMENT ACTION REQUIRED.

- A. The property is in compliance with the Town of Stonington Zoning Regulations as a preexisting, legal nonconforming use: “place of worship (assembly) / retreat facility with off-street parking.”
- B. The property is in compliance with the Town of Stonington Zoning Regulations as a preexisting, legal nonconforming bulk, for the following elements: RC-120 Non-infringement Area; RC-120 Gross Floor Area; RC-120 Required Yards, for existing structures.
- C. Use of the property could be changed via a special use permit process - Zoning Regulation Section 3.1.3.7 Non-profit associations... on a minimum of five (5) acres
- D. The Federal Religious and Institutionalized Persons Act (RLUIPA) limits local government’s ability to determine what is a religious practice.

### RC-120 DISTRICT USES

The use of the property is a preexisting, legal nonconforming use: “place of worship (assembly) / retreat facility”. Any activities that relate to this core use are accessory to the core use. The retreat facility has lodging, dining, events, meetings, offices, private spaces, off-street parking, assembly spaces, conferences, passive recreation, gift shop, public access, and active recreation, all of which are in compliance with the history of the use of Enders Island, as documented through many sources. Because the use of the property pre-dated the application of the RC-120 Zoning District, Zoning Regulation Section 3.1 does not apply to the current use. However, if Section 3.1 were to be applied, all of the above-listed activities could seek approval via a Special Use Permit (ZR 3.1.3.7).

### RC-120 DISTRICT BULK REQUIREMENTS

#### YARDS

- The most recent structure, the Chapel, was constructed 100’ from the property line at the time it was approved. The property line was Mean High Water (elevation 1.7’) at that time. The new standard is the Coastal Jurisdiction Line (CJL; elevation 2’), which took effect on October 1, 2012. This change may have created a preexisting, legal nonconformity, but that can only be ascertained with an as-built survey. Such a determination is not necessary nor warranted at this time.
- All structures are either legally nonconforming or conforming. This nuance has not been addressed as there is no proposal to change these structures, nor is there a violation of the regulations.

#### GROSS FLOOR AREA

- The property is allowed a Floor Area Ratio (FAR) of 0.083 per a Variance issued May 8, 2001 (ZBA01-12). Town records indicate that this property is in compliance with the FAR.
- There may be a discrepancy in Assessor’s Office records regarding Gross Floor Area, as the Assessors do not utilize the zoning definition of Gross Floor Area, which excludes certain elements (e.g., stairway, elevators)

#### HEIGHT

- The property received a Variance on May 8, 2001 (ZBA01-12) which allowed the proposed chapel to exceed the maximum height provisions of ZR 5.1.1 and ZR 7.3.5.

- All other structures are either legally nonconforming, or conforming, as described in the “detailed existing structure analysis” on page 13. This nuance has not been addressed as there is no proposal to change these structures, nor is there a violation of the regulations.

#### NON-INFRINGEMENT AREA

- The 100-foot Non-Infringement Area required in ZR 3.1.4.2 is not a requirement for this property. All of the encroachment within this area has pre-dated town zoning regulations. There are numerous historic aerial photographs that depict activity up to the edges of land area, which sufficiently document a legal pre-existing nonconformity of this requirement.

#### FLOOD HAZARD

No findings were made regarding the Flood Hazard Overlay District, as the structures are existing structures, and no changes are proposed.

#### COASTAL AREA MANAGEMENT

No findings were made regarding the Coastal Area Management Overlay District, as the structures are existing structures, and no changes are proposed.

#### RELIGIOUS PRACTICE

In 2000, the Federal government passed the Religious Land Use and Institutionalized Persons Act (“RLUIPA”). It is a civil rights law that protects individuals and religious institutions from discriminatory and unduly burdensome land use regulations. Per the U.S. Department of Justice, “RLUIPA protects the religious exercise of “persons,” defined to include religious assemblies and institutions in addition to individuals.” RLUIPA has been used, for example, to protect houses of worship, individuals holding prayer meetings in their homes, religious schools, religious retreat centers, faith-based homeless shelters, soup kitchens, group homes, and other social services.

Religious exercise covers a wide range of activities, including operation of homeless shelters, soup kitchens, and other social services; accessory uses such as fellowship halls, parish halls and similar buildings or rooms used for meetings, religious education, and similar functions; operation of a religious retreat center in a house; religious gatherings in homes; and construction or expansion of schools, even where the facilities would be used for both secular and religious educational activities.”

As a Federal civil rights law, the protections of RLUIPA trump any locally-enacted zoning regulations. Towns seeking to limit the activities of religious institutions have frequently been struck down by this law. A town seeking enforcement actions against a religious institution is wise to do so only in clear-cut cases, to limit exposure to a civil rights violation.

[justice.gov/sites/default/files/crt/legacy/2010/12/15/rluipa\\_q\\_a\\_9-22-10\\_0.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/rluipa_q_a_9-22-10_0.pdf)

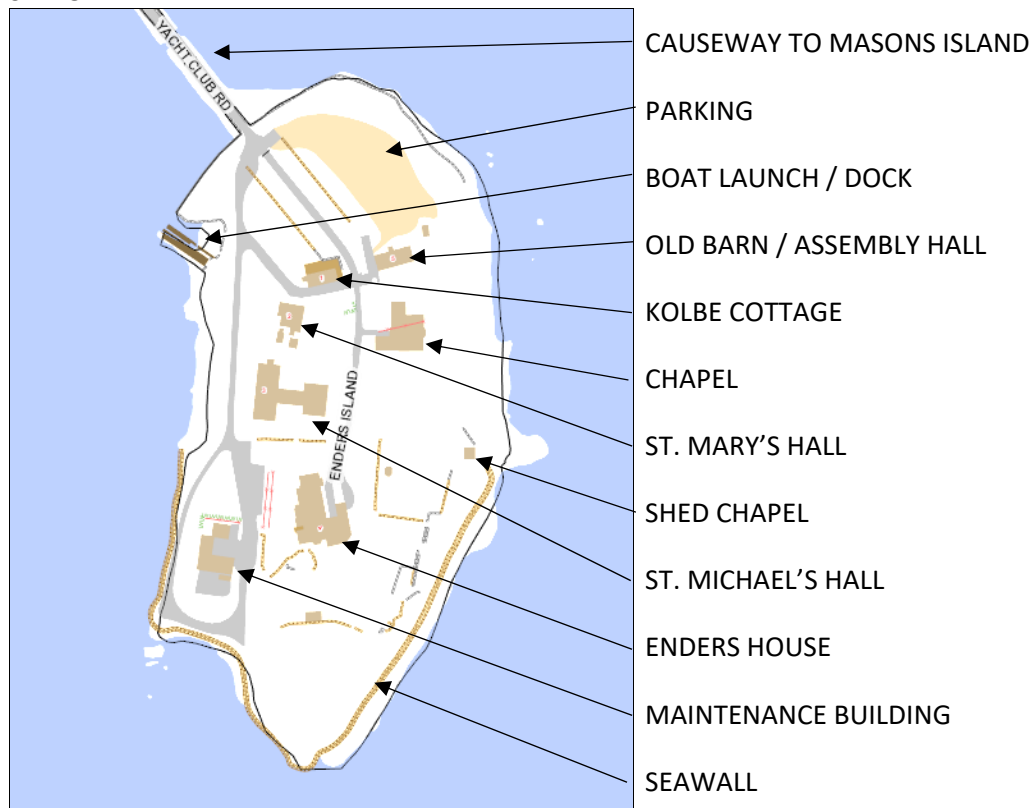
## 2. BACKGROUND

On July 30, 2017, Ms. Penelope Townsend of Masons Island submitted correspondence to the First Selectman regarding Enders Island. There are several assertions that activities at Enders Island are not in compliance with Town laws, particularly the zoning regulations, and that the town is ignoring apparent violations. The Department of Planning received this correspondence August 1, 2017. An investigation commenced. On August 14, 2017, Ms. Townsend augmented this correspondence with a formal zoning complaint (17-054). Three other complaints were filed as well (17-055, 17-056 and 17-057). On October 31, 2017, Ms. Townsend submitted additional materials for the Department to review.

On August 17, 2017 Candace Palmer, Zoning Official and Jason Vincent, Director of Planning, conducted a site inspection of Enders Island and toured each building with a member of the St. Edmund's Retreat organization. We did not observe any activity that appeared to be in violation of zoning during that inspection, and a note to file was made: "No violation."

However, we felt there was a need to investigate the full details of the history of Enders Island to provide context as to how this facility operates in the face of what appears to be a direct violation of Town of Stonington laws.

### SITE OVERVIEW



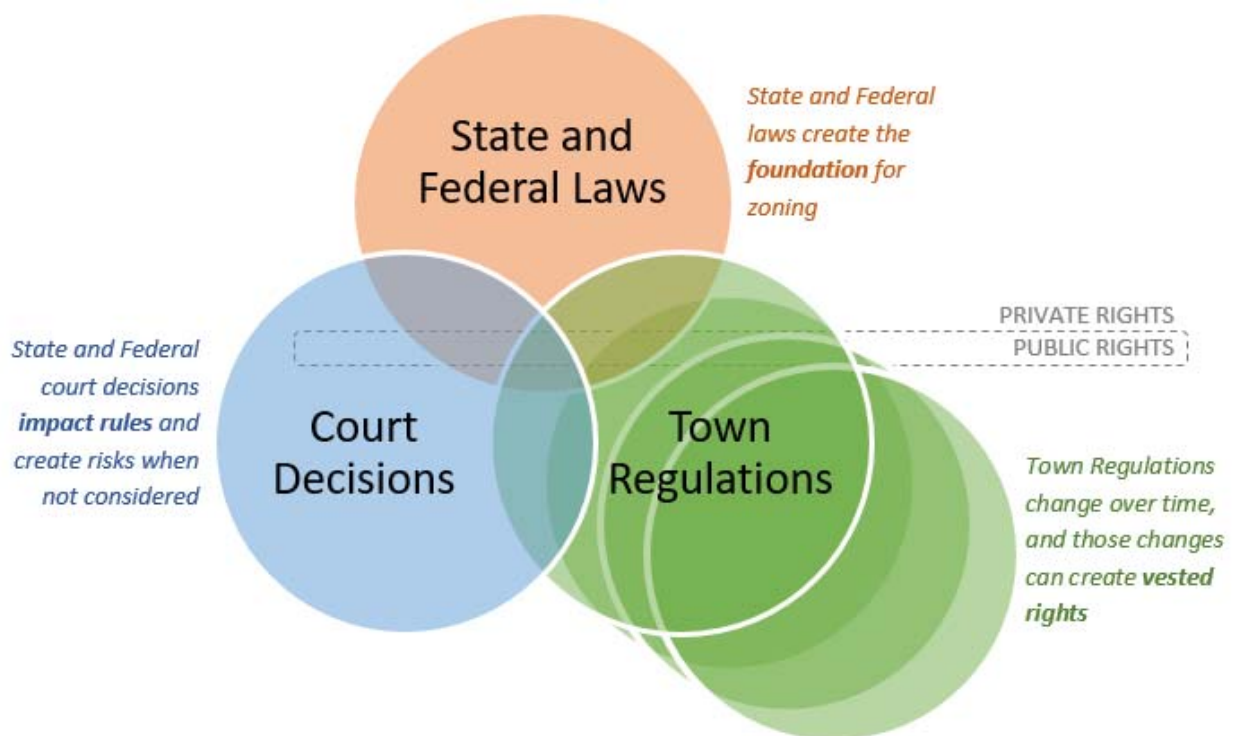
## OUR APPROACH

This report has been compiled by the Stonington Department of Planning in response to complaints made regarding Enders Island's compliance with Town of Stonington Zoning Regulations. Because of the nature of the assertions, every effort has been made to detail the history of this property to understand whether the complaints were valid, and whether an enforcement action should be taken by the Zoning Official.

Before we address the complaint, it is important to understand the context of how Enders Island "fits" into Town of Stonington Zoning. We are often asked, "a Retreat Center is not listed as a permitted use in the RC-120 District. How can Enders Island operate in violation of the regulations?" Understanding the framework of zoning is an important part of the overall assessment of Enders Island.

First, local zoning is not a static set of rules applied independently of other laws. Town Zoning is enabled by State and Federal law, and must comply with the enabling legislation and the United States Constitution. Laws evolve over time through amendments and court decisions, especially those that address how public rights can trump private property rights. All of those elements must be understood for the Town to apply its regulations.

### "The Four Dimensions of Zoning"



While an activity might not be found in the Town Zoning Regulations, the activity's existence may be enabled elsewhere. It could have a state or federal protection, resulted from litigation, or received permits under a prior version of the regulations. The obvious answer is often not the correct answer.

Some of the Town’s Zoning Regulations, while well-intentioned, may not be legally-authorized in light of this overall framework. It is important to understand how an enforcement action is going to be adjudicated if the property owner appeals the Town Official’s determination. A law enforcement strategy that is conducted irrespective of the implications of the outcome of the decision is a risky endeavor for the community. Therefore, it is critical that there is a compelling governmental interest and basis for which to act.

#### PROPERTY HISTORY SUMMARY

When reviewing the zoning compliance of Enders Island, it is important to understand the history of how the Island has been used, and how that history intersects with local zoning regulations. In the past, several complaints about Enders Island have incorrectly asserted that the RC-120 zoning in place today was in place when zoning was adopted in Stonington.

In actuality, we discovered that there are four “zoning eras” that apply to Enders Island, since sold by the Enders to the Society:

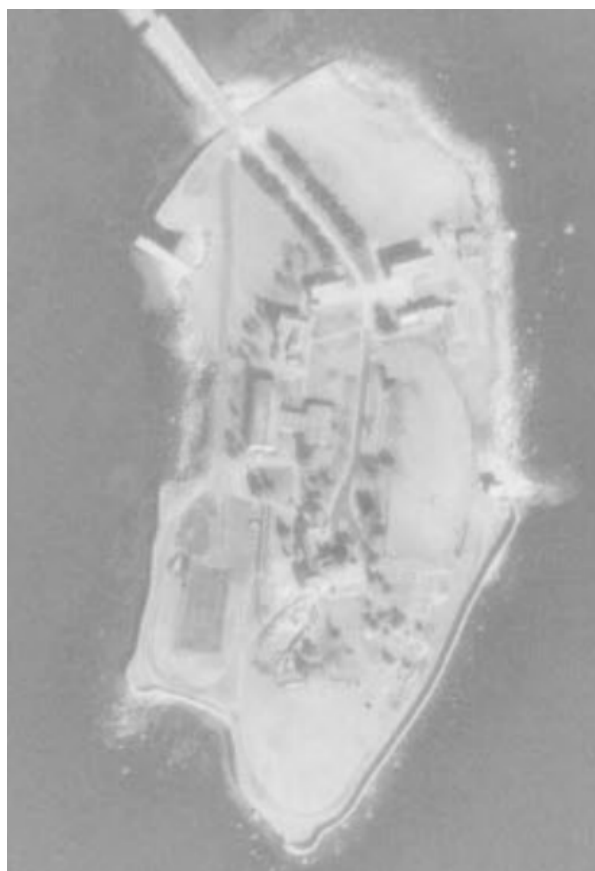
<b>1/1954 – 7/1961</b>	<b>7/1961 – 7/1977</b>	<b>7/1977 – 8/1979</b>	<b>8/1979 – Today</b>
<b>NO ZONING</b>	<b>ZONED RA-3</b>	<b>ZONED RU-1</b>	<b>ZONED RC-120</b>
<b>NO PERMITS REQUIRED</b>	<b>LAND USE PERMITTED BY RIGHT</b>	<b>LAND USE PERMITTED BY SPECIAL PERMIT</b>	<b>LAND USE PERMITTED BY SPECIAL PERMIT</b>

Many of the people we have spoken with during this investigation were under the impression that there were only two (blue and orange) eras. That perspective could lead someone to the wrong conclusion, as a lot has changed, over time. The following pages provide additional context regarding the zoning regulations during each era.

#### PRIOR TO THE ADOPTION OF ZONING

1/1954 – 7/1961	7/1961 – 7/1977	7/1977 – 8/1979	8/1979 – Today
NO ZONING	RA-3	RU-1	RC-120

Enders Island was acquired from Alys E. Enders by the Society of Saint Edmund, Inc. on January 8, 1954. The Society of Saint Edmunds made improvements to the property to use it as a novitiate and retreat center for a specific group of people (Diocese of Norwich priests). This purpose is listed on the deed, however, provisions in the deed are not enforceable by the Town. Rather, it provides historical context of the intended reason for the transfer of the property and that Enders Island has been operating as a nonsecular lodging, event and assembly / retreat facility since October of 1954. Various documents support that the use of the Island, in this manner, pre-dates the adoption of zoning.



ABOVE, LEFT: **1934 Aerial Photograph** of Enders Island. ABOVE, RIGHT: **1970 Aerial Photograph** of Enders Island. These images depict a property that was fully utilized by the property owner. Note that the property was (and still is) groomed to the edges. SOURCE UCONN Map and Geographic Information Center (MAGIC)



**WHEN ZONING IS ADOPTED (RA-3)**

1/1954 – 7/1961	7/1961 – 7/1977	7/1977 – 8/1979	8/1979 – Today
NO ZONING	RA-3	RU-1	RC-120

The Town of Stonington adopted Zoning Regulations in July 1961 and zoned the property “RA-3,” which allowed churches and places of worship as a permitted use (“as-of-right”). A religious retreat is a place of worship. In this instance, the entire Island, and all of its buildings constituted a “place,” rather than it being confined to a single structure. Various documents from this era identify that the Enders Island retreat facilities were being used by many different groups, both secular and nonsecular purposes and not solely as a “retreat for catholic priests” or a training center for official novitiates. See Apostolate Center Activities 6/27-8/31/1977 on page 19.

We have found no files for any activity operating under the “permitted use” category, at the time zoning was adopted. It is assumed that when zoning was adopted, property owners conducting an activity determined to be legal under the zoning regulations were not required to secure a permit to continue doing what they were doing prior to the adoption of this new law. That certainly was the case for most land uses in Stonington at that time. Further, it is highly likely that no legal expert would have anticipated the risk of not documenting zoning compliance, especially when the use is deemed legal conforming / permitted.

**WHEN THE ZONING MAP IS FIRST AMENDED (RU-1)**

1/1954 – 7/1961	7/1961 – 7/1977	7/1977 – 8/1979	8/1979 – Today
NO ZONING	RA-3	RU-1	RC-120

In 1977, the Town of Stonington amended the zoning map for this property from “RA-3” to “RU-1.” This amendment (“zone change”) made the church / place of worship use subject to the Special Use Permit process. The operating retreat center did not have a Special Use Permit to operate, and it could be argued that it would have been considered as a preexisting, legal nonconforming use at that time.

However, making such a determination involves a nuance regarding a permissible use (via special permit), being in place without a permit. You will see that this point is made moot in the 1979 zoning map amendment and that retreat operations were in place prior to this amendment. Various documents support the use of the Island for secular and nonsecular lodging, events and assemblies during this era.

**CURRENT ZONING (RC-120)**

1/1954 – 7/1961	7/1961 – 7/1977	7/1977 – 8/1979	8/1979 – Today
NO ZONING	RA-3	RU-1	RC-120

In 1979, the Town of Stonington amended the zoning map for this property from “RU-1” to “RC-120.” This firmly created three nonconformities for the existing retreat center:

1. Churches and places of worship are not allowed in the RC-120 (Enders Island zone). The pre-existing retreat center became a preexisting, legal nonconforming use.
2. Non-profit associations, clubs, museums, or art institutions, minimum lot requirement – five (5) acres. Gift shops up to 1,000 square feet and snack bars up to 100 seats (available only for non-

profit organizations) are able to apply for a special use permit via ZR 3.1.3.7. The retreat center would be an eligible activity.

3. The RC-120 zoning district introduced the concept of Gross Floor Area, via a Floor Area Ratio (FAR). The RC-120 allowed a 0.025 FAR. Existing buildings on Enders Island were in excess of this new requirement. As such, the total Gross Floor Area on the Island became a preexisting, legal nonconforming bulk.
4. The RC-120 zoning district introduced the concept of a non-infringement area (i.e., buffer) from natural resources. Site development had already encumbered the entirety of the Island, making this a preexisting legal nonconforming buffer.

Various documents support the use of the Island for secular and nonsecular lodging, events and assemblies – a retreat center. These documents pre-date the zoning amendment. Town land use officials took no enforcement action at this time, likely because they understood how legal nonconformities are treated under State enabling legislation - i.e., “allowed to continue.” A preexisting, legal nonconforming use is a property right that adheres to the land not with the operator, and the right to continue its operation is entitled to Constitutional protection – considered our highest societal values.

Preventing the use from operating could expose the town to a 5<sup>th</sup> Amendment Takings Claim under the Bill of Rights. Legal nonconforming uses have to be (1) lawful and (2) in existence prior to the adoption of zoning. After reviewing historic records, and the claims by the property owner, the retreat on Enders Island passes both of these tests; see C.G.S. §8-13a.

As such, it does not matter who the operator is, it does not matter who the owner is, it does not matter what the intention was, it does not matter how the operation is conducted, provided there is no “expansion” of use, except in conformance with the Zoning Regulations. Expansion is a term of law within zoning nonconformities; see page 23.

## ASSESSMENT OF COMPLAINT

This is our initial evaluation based on the information available at Stonington Town Hall:

CLAIMED ZONING VIOLATION	EVALUATION
Spiritual Bed and Breakfast (\$240-\$350 for a romantic evening)	<ul style="list-style-type: none"> <li>Enders Island has had overnight accommodations since its inception as a retreat center. The concept of a retreat and novitiate (deed language and original operation at the Island) involves overnight accommodations and meals. Marketing those accommodations using conventional lodging terminology, such as a “bed and breakfast,” does not make this a new “use” under the zoning regulations. A retreat has lodging and meals. A bed and breakfast has lodging and meals. By using the transitive property, a bed and breakfast is a type of retreat, or vice-versa.</li> <li>In general, “bed and breakfast” is an activity characterization that has made lodging and meals (typically only breakfast when the rule is applied by language purists) within a single-family residence. This has been deemed to be tolerable approach in many neighborhoods, and a land use permit process has resulted. When you get to the essence of a bed and breakfast, it is lodging and meals. How a venue informs its “customers” about said opportunities is not something that is regulated by zoning. (We had this issue</li> </ul>

CLAIMED ZONING VIOLATION	EVALUATION
	<p>with <i>Mystic After Dark</i>, which was a unique way to market dance recitals, rather than being the night club neighbors expected it to be. In that case, the business marketing was effective at enabling the community to look for other flaws in their business operations.)</p> <ul style="list-style-type: none"> <li>• The rate for which a venue-to-customer transaction is valued at Enders Island is not under the control of zoning. It can be free or for a fee, of any amount. The value of these transactions does not play a role in determining the intensity of the transactions.</li> <li>• While initially solely a retreat used by nonsecular professionals, zoning does not get into the spiritual and organizational philosophies of the users of a place / space. Whether the retreat is secular or nonsecular is outside of the scope of the Regulations. However, the 2015 correspondence from St. Edmunds Retreat (see EXHIBIT 6) indicated that they operate a religious mission-based retreat center (nonsecular), which is consistent with how the Island has been used prior to the adoption of zoning.</li> <li>• People lodging on the Island may venture off of the Island for other purposes. Zoning officials should not be checking the itinerary of guests.</li> <li>• Further, for some, a religious retreat may be romantic. Zoning does not involve itself in such nuances as to how an individual may find respite, how they define romance, or an opportunity to connect with a venue. While this retreat center may have been originally developed for nonsecular purposes, it is not limited to that classification under zoning.</li> </ul>
Rental space for retreats	<ul style="list-style-type: none"> <li>• It is envisioned that anyone that attends the retreat is paying a fee. It does not matter what is rented. There are no restrictions on this activity in the zoning regulations.</li> <li>• This activity seems consistent with other non-profit operations and places of worship/assembly. Often, a church hall is available for rent, perhaps for a fee or a donation. Neither are inconsistent with regular practices or the zoning regulations.</li> <li>• There is a false belief that non-profit organizations are not businesses.</li> </ul>
Gift Shop	<ul style="list-style-type: none"> <li>• The gift shop is accessory to the retreat operations. Has it always been there? Unknown. Is it a violation of zoning? Not likely. The space it occupies (several bookshelves in a common area, subject to the honor system), and its functionality are that of a very minor accessory activity in support of the operations of the retreat. It is not a retail operation.</li> <li>• A gift shop of up to 1,000 square feet can receive approval as part of a special use permit (ZR 3.1.3.7.1) in the RC-120.</li> </ul>
Office of Catholic Psych institute	<ul style="list-style-type: none"> <li>• It is reasonable to expect that Enders Island has administrative office space in furtherance of their mission and operating the retreat center. That space may be occupied by other administrative, ministerial, or mission-oriented offices without creating a violation of zoning. Mental health is an important part of spiritual development.</li> </ul>
Recovery residence, recovery retreats, and 12 Step Programs	<ul style="list-style-type: none"> <li>• Enders Island began operating a recovery program in 1967 (endersisland.com/history).</li> <li>• This aligns with the concept of a retreat. Zoning does not consider the retreat user, the term of the retreat, or retreat purpose. For example, whether a restaurant serves Italian or Mexican cuisine is not something that is considered in a zoning permit proceeding.</li> <li>• Further, the U.S. Fair Housing Act prevents zoning from discriminating as to who is using the property, especially when the users are a protected class</li> </ul>

CLAIMED ZONING VIOLATION	EVALUATION
	<p>(e.g., race, color, religion, sex, disability, familial status, national origin). The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment. The term “physical or mental impairment” includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.</p> <p>Additional Fair Housing Information:  <a href="http://justice.gov/crt/page/file/909956/download">justice.gov/crt/page/file/909956/download</a></p>
Sacred Arts Institute	<ul style="list-style-type: none"> <li>• This activity occurs within a multi-purpose assembly space on the Island.</li> <li>• Providing retreat attendees with an artistic expression outlet is aligned with the retreat concept. For some, art is therapeutic, and there are numerous studies that support such methodology.</li> <li>• Having it branded as an “institute” does not seem inconsistent with a retreat attribute. There is a perceived additional value resulting from this marketing program/approach. It does not make it a new use.</li> <li>• Aligning that program with college credit does not seem out of sync with a retreat. When the retreat center was operated as a novitiate it is highly likely that the completion of spiritual exercises led to some “educational recognition” or opportunity for advancement. Whether that recognition is marketed as “college credit,” or some other knowledge-based commodity, does not matter to zoning. It is solely marketing – creating a perceived value. Further, an assembly activity that comes with college credits does not make this activity a college or university.</li> </ul>
Public Use of the Island	<ul style="list-style-type: none"> <li>• Officials at Enders Island have submitted documents that the use of their property by members of the public is aligned with their nonsecular mission, and protected by the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), which was enacted by the Federal government in 2000: “In addition, [public programs] are consistent with the Mission “by producing other programs and services that answer the call for evangelization of the Church and the world.” SEE EXHIBIT 6 8.3.2015 Letter from Christopher J. Rixon to Stonington First Selectman George Crouse This would not be a violation of zoning. A property owner allowing other people to access their property is not something that is regulated by zoning. Further, the mere presence of people on private property, for no fee, does not make it a park, or commercial use.</li> <li>• Public access at Enders Island would meet the objectives of the Connecticut Coastal Management Act, which is partly implemented via local zoning. Enders Island is in the town’s Coastal Area Management Overlay District ZR 7.3). Public access to marine or tidal waters is considered a high value policy for the State of Connecticut, and any changes of use of this property would seek to secure a water-dependent use (likely to be public access). As such, the presence of public access, for non-commercial purposes, could never be a violation of Town zoning. The government cannot force a property owner to provide it (as it does via CAM) as part of a permit process and then make the provision of it illegal. Therefore, providing it without a permit is legal.</li> </ul>

CLAIMED ZONING VIOLATION	EVALUATION
	<ul style="list-style-type: none"> <li>• The use of a space by the public for passive recreation (i.e., public access) does not make the space a park under town zoning regulations. The creation of countless miles of trails and waterfront public access points throughout the community, without any permit from local zoning officials, should serve as sufficient documentation of town policy and standard zoning enforcement procedure regarding this issue.</li> <li>• Churches and places of worship are social places, and by their evangelical nature, are rarely limited to members-only.</li> </ul>
Increased Traffic	<ul style="list-style-type: none"> <li>• State zoning enabling law does not provide a mechanism to address changes in traffic volumes resulting from intensification of a preexisting, legal nonconforming use. See the concept of intensification on page 23.</li> </ul>
Insufficient Access to Enders Island	<ul style="list-style-type: none"> <li>• As a preexisting, legal nonconforming use, the Island is protected from government imposition of additional transportation infrastructure as part of the continuation of the legal use of the property.</li> <li>• Perhaps zoning officials could consider this concern if an expansion of the facility were proposed, however off-site transportation improvements are likely to be considered exempt from local land use control.</li> </ul>
Property is operating as a resort	<ul style="list-style-type: none"> <li>• Resort is a marketing term. What is the difference between a retreat and a resort? Neither terms are defined in Stonington's Zoning Regulations. A retreat that has opulent amenities versus one that invokes sensory deprivation is not a nuance that falls within the zoning regulations. Someone's opinion of posh is someone else's opinion of crass. Both concepts are absent any community-established standards.</li> </ul>
Property value impacts	<ul style="list-style-type: none"> <li>• State enabling law does not provide a mechanism to address property value impacts related to a preexisting, legal nonconforming use.</li> </ul>
Hours of operation	<ul style="list-style-type: none"> <li>• There are no zoning limitations on the hours of operation of activities at Enders Island. The zoning regulations do not include such a mechanism for preexisting, legal nonconforming use.</li> </ul>
This has become a commercial operation	<ul style="list-style-type: none"> <li>• Stonington's Department of Assessment considers Enders Island as a Tax-Exempt entity, which is supported with documentation from the IRS.</li> <li>• Religion is a product, as much as it is a representation of beliefs. The marketing (perhaps perceived as commercialization) of religion is fundamental to the evangelism of faith.</li> <li>• The differences between a non-profit and a for-profit (so-called "commercial" operation) is the reason they exist. For-profit companies are generally founded to generate income for entrepreneurs and their employees, while nonprofits are generally founded to serve a humanitarian or environmental need (i.e., mission based).</li> <li>• Nonprofit organizations need revenue to pay bills and religious organizations can legally engage in activities that generate income that is unrelated to their tax-exempt requirements as long as the unrelated business activities are not a substantial part of the religious organization's activities as a whole.</li> </ul>

### 3. FULL PROPERTY ASSESSMENT

#### GENERAL ZONING INFORMATION

The Enders Island property is presently zoned:

- **RC-120**, a residential zoning district (ZR 3.1); current use of the property is a preexisting, legal nonconforming use; Activities conducted on the property could request a special use permit under ZR 3.1.3.7 non-profit associations, clubs, museums, or art institutions – minimum lot requirement is five (5) acres.
- **FHOD**, Flood Hazard Overlay District – new structures, and substantial improvements to existing structures require compliance with the Flood Hazard regulations, as part of the permit process (ZR 7.3); and
- **CAMOD**, Coastal Area Management Overlay District – proposals for new construction and activities that require zoning approvals may require a Coastal Area Management review as part of the permit process (ZR 7.7). Various activities are exempt from review (ZR 7.3.8).
- See “FINDING” on page 1

#### ASSESSMENT OF BULK REQUIREMENTS

	MINIMUM LOT AREA	FRONTAGE	FRONT YARD	SIDE YARD	REAR YARD	MAXIMUM HEIGHT	FLOOR AREA RATIO
<b>RC-120 REQUIRED</b>	120,000 square feet	300 feet	75 feet	75 feet	100 feet	25 feet	0.04 <sup>3</sup>
<b>PROVIDED</b>	422,532	NONE <sup>1</sup>	VARIOUS <sup>2</sup>				0.095 <sup>4</sup>

#### NOTES

- 1 The property does not have frontage on an existing state or town highway (“street”). The lot has been in existence prior to the adoption of zoning, and is thereby a legal nonconforming lot. The frontage requirement would only impact the lot’s ability to be provide frontage in order to be subdivided.
- 2 This property is peculiar, and as such does not easily and readily lend itself as to how the yard requirements would be applied. Each building needs to be evaluated based on the regulations that were in effect at the time of construction. Most buildings are likely legal nonconforming because of the restrictive nature of the RC-120 district. The 25-foot maximum height was adopted in 1979 when the property was re-zoned from RU-1 to RC-120 (Stonington Zoning Regulations Edition #7); ZR 7.3.5, adopted on March 31, 1986, also has a maximum height for projects within 150’ of Mean High Tide (24’). A Variance of the maximum height provisions was granted for one building (Chapel 50.5’).
- 3 Variance was granted to increase the Floor Area Ratio from 0.04 to 0.083
- 4 This Floor Area Ratio number is solely based on the Assessor’s Office records regarding Gross Floor Area. It does not factor in the items exempted from consideration, or that land area has been reduced, over time. The Floor Area Ratio was adopted in 1979 when the property was re-zoned from RU-1 to RC-120 (Stonington Zoning Regulations Edition #7). Further, there has been no new Gross Floor Area added to the property since the issuance of the variance. There is no reason to believe that the property is in violation, rather it is important to understand and address perception. Changes to the Gross Floor Area definition may also have created some non-conformities. This would need to be assessed if any new Gross Floor Area is proposed.
- 5 The RC-120 district has a 100’ non-infringement area. The entire Island has had intrusions within this buffer prior to the adoption of the non-infringement area in 1979.

## DETAILED EXISTING STRUCTURE ANALYSIS

The following information was extracted from the Stonington Land Records


STRUCTURE NAME	FUNCTION	ASSESSOR		SQUARE FEET <sup>1</sup> (GROSS BUILDING AREA)	HEIGHT <sup>2</sup>	YEAR BUILT
		ID	LAND USE CODE			
St. Michael's Hall Apostolate Center	Lodging: 28 rooms, 56 beds; meeting rooms (3), gift shop	178-1-1-1	9060 Church MDL-94	9,428'	44'	1970 RA-3 Zone
Seaside Chapel	chapel	178-1-1-2	9090 Conservation MDL-00	219		
Shed		178-1-1-3	9090 Conservation MDL-00	185		
Chapel of Our Lady of the Assumption	chapel	178-1-1-4	9060 Church MDL-94	4,181	50.5'	2002 RC-120 Zone
Enders House	Lodging - 19 beds; dining (4 areas); chapel; commercial kitchen; event venue; meeting space; retreat facility	178-1-1-5	9060 Church MDL-94	15,287	68'	1920s No Zoning
Maintenance Building	meeting space; utility space' laundry facilities	178-1-1-5	9060 Church MDL-94	2,616	28'	1998 RC-120 Zone
Kolbe Cottage	Office; lodging: 12 beds	178-1-1-6	9060 Church MDL-94	2,759	35'	1930s No Zoning
St. Mary's Hall	Offices; lodging: 1 suite	178-1-1-7	9060 Church MDL-94	2,760	35'	1930s No Zoning
Angell Hall	Offices; meeting space; event space	178-1-1-8	9060 Church MDL-94	2,880	37	1930s No Zoning
Shed		178-1-1-9	9090 Conservation MDL-00	160		
TOTAL	88 beds			40,475		

### NOTES


- 1 Gross Building Area is from the Town of Stonington Street Cards, developed and maintained by the Assessor's Office. This is not a zoning compliance analysis, as no new construction is proposed. Further, when the last building was constructed on the property (Chapel), the Planning and Zoning Commission determined that the Enders Island was in conformance with the maximum gross floor area as part of that review.
- 2 Height as depicted on "Data Accumulation Plan Site Plan, prepared for Our Lady of Assumption Chapel, Saint s Society Retreat & Novitiate," prepared by Cherenzia & Associates, LTD, dated December 19, 2000. Plan was signed and stamped by Nathan D. Lauder, P.L.S. #15762; T-3 vertical accuracy
- 3 Row color codes correspond with zoning eras

## DETAILED HISTORY

NOTE: Some details may be missing because they have yet to be discovered. This is what we have found:

DATE	ACTIVITY	REFERENCE
8/24/1910	Thomas B. Enders, M.D., a Yale-educated graduate of the College of Physicians and Surgeons (Columbia) and Hartford surgeon purchased Enders Island from the Daughters of Charity of St. Vincent DePaul	endersisland.com/history
3/1/1920	Dr. Enders purchased a right of way from the Masons Island Company and proceeded building a bridge connecting Enders Island to Masons Island (i.e., causeway)	
1924	Enders house built (various additions through 1934)	
1/16/1932	Dr. Enders conveyed Enders Island to Mrs. Enders on January 16, 1932	
1934		Aerial Photograph UConn MAGIC



DATE	ACTIVITY	REFERENCE
195/1		Aerial Photograph UConn MAGIC
1/6/1954	<ul style="list-style-type: none"> <li>Religious retreat documented (“young men... would spend a year of prayer and study here”) addresses lodging, dining, assembly and education land use activities</li> <li>Facility for nonsecular training (Novitiate) and retreat (Norwich priest) use</li> </ul>	Letter to Mrs. Enders from Very Reverend J. T. Purtill, S.S.E., Society of Saint Edmonds
1/8/1954	<ul style="list-style-type: none"> <li>Ownership transferred to Society of Saint Edmund Inc.; operated as a novitiate (facility for laypersons seeking membership in a religious order) and religious retreat</li> <li>The purpose listed on the deed, particularly the “who” is occupying the religious retreat, is not something that zoning enforces</li> <li>Retreat activity pre-dates Town Zoning per property owner correspondence dated 8/3/2015, which coincides with Town records;</li> </ul>	DEED 100/331;
9/30/1954	Hilda Johnson release	DEED 103/302
10/9/1954	<ul style="list-style-type: none"> <li>Letter granting permission for the Society to come into the Diocese of Norwich</li> </ul>	Letter from Bishop Flanagan to Father Purtill, S.S.E. – See EXHIBIT 1

DATE	ACTIVITY	REFERENCE
	<ul style="list-style-type: none"> <li>“It is understood that this House is to serve, primarily, as a novitiate for the Community [Edmondites], but I express the hope that it will serve to carry out the other good works which are proper to your Congregation, as time goes on [intent to serve entirety of the mission]</li> </ul>	
10/13/1954	<ul style="list-style-type: none"> <li>Letter recognizing that the permission to come into the Diocese of Norwich is to benefit the community, not just a training center the Edmondites</li> <li>“We will be most anxious to repay you and the diocese for this kindness by a devoted ministry.”</li> </ul>	Letter from Father Purtill, S.S. E. to Bishop Flanagan – See EXHIBIT 2
10/15/1954	Society of Saint Edmund Inc. secures tax exempt status for the Island	
10/21/1954	<ul style="list-style-type: none"> <li>“In return, we express the hope that this work [novitiate] and pour other ministries [intent to serve entirety of the mission] may be the source of good to the church of Norwich.” - Fr. Purtill</li> <li>The novitiate training applies equally to those who wish to become brothers, dedicated to God whatever manual skill they possess. The society over men between 18 and 35 year of age opportunity to lead a religious life as a lay brother... [not just a “novitiate”]</li> </ul>	New London Day Article – See EXHIBIT 3
7/7/1961	<p>Town of Stonington adopts Zoning; Property is zoned RA-3 (ZR Section 3.11 “Table of General Use Regulations”):</p> <ul style="list-style-type: none"> <li>“Churches and similar places of worship, rectory,” and “Community center” are listed as a “Uses Permitted By Right”</li> <li>“Recreational facilities incidental to schools and churches” require a Special Permit;</li> <li>Gross Floor Area definition adopted</li> </ul> <p>RA-3 Bulk Requirements (Section 3.12):  Minimum lot size: 15,000 square feet  Front Yard: 30 feet  Side Yard: 12 feet (total of 30 feet)  Rear Yard: 50 feet  Maximum Height: 30 feet  Floor Area Ratio: Not applicable</p>	<p>Stonington Zoning Regulations Edition #1, Effective 7/7/1961</p> <p>Religious retreat / place of worship would have been a permitted use;  Permit records are incomplete from this era;</p>
8/1964	Vincent B. Maloney, S.S.E. – Superior, St. Edmunds Novitiate	Semi-annual report
12/8/1965	Second Vatican Council completed	Transformed the isolated novitiate training approach;
2/23/1966	<ul style="list-style-type: none"> <li>No.7 – Various youth groups would visit the Island monthly (Vocation Club)</li> <li>No. 7 – Non-novitiates (St. Bernard’s high School students) would stay over on weekends</li> <li>No. 7 – Vocation prospects and their parents visited, and some had a retreat</li> </ul>	Semi-annual report
8/12/1966	Edmundite Youth Program – many boys attend retreats	Semi-annual report


DATE	ACTIVITY	REFERENCE
1967	<ul style="list-style-type: none"> <li>Formal recovery ministry was established at what had become known as "St. Edmund's Retreat</li> <li>"The story of Recovery Ministry on Enders Island began in 1967 when Father Joe Waite came to the Island and met with his sponsor"</li> </ul>	<a href="http://endersisland.com/history">endersisland.com/history</a> <a href="http://endersisland.com/golf">endersisland.com/golf</a>
1970		Aerial Photograph UCONN MAGIC
10/26/1970	<ul style="list-style-type: none"> <li>Events held to earn revenue discussed (Encounter). Terms profit and break-even are used</li> <li>Obvious that the Encounter program was designed to bring young men to the Island for retreats (non-Edmundites / non-Norwich Diocese priests)</li> </ul>	10/26/1970 SSE House Meeting minutes
2/15/1971	Retreats held for theology seminarians and subdeacons (non-Edmundites/ non-Norwich Diocese priests)	2/15/1971 SSE House Meeting minutes
3/29/1971	<ul style="list-style-type: none"> <li>Retreat held for young priests from the Archdiocese of New York (non-Edmundites/ non-Norwich Diocese priests)</li> </ul>	3/29/1971 SSE House Meeting minutes

DATE	ACTIVITY	REFERENCE
	<ul style="list-style-type: none"> <li>Discussion about Encounter program (see 10/26/1970 minutes)</li> </ul>	
5/3/1971	New London Magicians Club meeting and show	5/3/1971 SSE House Meeting minutes
3/29/1972	<ul style="list-style-type: none"> <li>New Life Singers holding rehearsals in the barn</li> <li>Dunwoodie retreat (likely Saint Joseph's Seminary)</li> <li>Mystic Ecumenical Council retreat</li> </ul>	3/29/1972 SSE House Meeting minutes
5/7/1972	<ul style="list-style-type: none"> <li>IV. Term "Novitiate" proposed to be eliminated</li> <li>VI. Groups of retreats planned</li> <li>X. Documentation of fee for retreats</li> </ul>	5/7/1972 SSE House Meeting minutes
4/8/1974	<ul style="list-style-type: none"> <li>Marriage encounter weekends for Lutheran couples</li> <li>Several non-Catholic group picnics and outings scheduled</li> <li>Faculty workshops and retreat for [Mohegan] College proposed</li> <li>Boy Scout outing</li> </ul>	4/8/1974 SSE House Meeting minutes
1976	Edmundite Apostolate Center formed	1982 report "1978-1982 Apostolate Center"
6/30/1976	\$9,351.75 for retreats	Statement of Income and Expenses
3/28/1977	<p>Use of Island facilities for 1976:</p> <ul style="list-style-type: none"> <li>21 seminarians made private retreats for 92 days</li> <li>56 individual diocesan priests made private retreats for 221 days</li> <li>46 individual religious made private retreats of 120 days</li> <li>More than 600 visitors signed the guest book</li> <li>64 students attended vocation workshops for 203 days</li> <li>135 persons participated in one-day programs of ecumenical nature</li> <li>459 students attended one-day retreat programs for High Schools</li> <li>294 visitors stayed on the island for a total of 400 days</li> <li>AA meetings – three each week with average attendance of 80</li> <li>Charismatic Prayer group – one each week averaging about 25 people</li> </ul> <p>Future use of the Island was considered:</p> <ol style="list-style-type: none"> <li>Directed Retreats</li> <li>Marriage Encounters</li> <li>House of Prayer</li> <li>Days of Recollection of Priests in the diocese</li> </ol> <p>Beginning of efforts to promote (marketing) the Island as a religious retreat center</p>	3/28/1977 SSE House Meeting minutes
7/11/1977	<p>Re-zoned to RU-1 Rural (ZR Section 3.11 "Table of General Use Regulations"):</p> <ul style="list-style-type: none"> <li>"Churches and similar places of worship, rectory" and "Community center" now require a Special Permit</li> <li>"Non-profit associations, clubs, museums or art institutions on 10 acres" added to special permit use list (lot was once listed as being over 10 acres)</li> </ul>	Stonington Zoning Regulations Edition #6, Effective 11/21/1976

DATE	ACTIVITY	REFERENCE
	<ul style="list-style-type: none"> <li>• RU-1 Rural Bulk Requirements (Section 3.12): Minimum lot size: 120,000 square feet Front Yard: 75 feet Side Yard: 75 (total of 150 feet) Rear Yard: 100 feet Maximum Height: 30 feet Floor Area Ratio: Not applicable</li> <li>• Property does not have a special use permit to operate as a religious retreat / place of worship, therefore the use becomes legal nonconforming, as it is no longer permitted as-of-right, and it does not conform to the permit process requirement;</li> </ul>	
8/31/1977	<ul style="list-style-type: none"> <li>• Picnic for Multiple Sclerosis</li> <li>• St. Luke Picnic</li> <li>• 10 priests from Diocese of Hartford</li> <li>• priests from Diocese of New York (Bronx)</li> <li>• Norwich Youth Ministry (25 people)</li> <li>• 10 nuns</li> <li>• United Methodist group (30 people)</li> <li>• Married couple</li> <li>• Mystic Marriage Encounter Group picnic (40 people)</li> <li>• Noank Baptist Church Picnic (25 people)</li> <li>• Wethersfield CCD teachers (30 people)</li> </ul> <p>Future events:</p> <ul style="list-style-type: none"> <li>• Oceanology Club</li> <li>• Seabury Episcopal Church Group</li> <li>• Toronto Seminarians arrive for holiday</li> <li>• Montville CCD group</li> <li>• St, Alphonsus – New Canaan CYO</li> <li>• Our Lady of Lakes CYO</li> </ul> <p>Advertising various weekend retreats and group rates</p> <ul style="list-style-type: none"> <li>○ Marriage encounter</li> <li>○ AA retreat</li> <li>○ Youth retreat</li> </ul> <p>Rates include overnight and meals</p>	Apostolate Center Activities 6/27-8/31/1977 – See EXHIBIT 4
6/1978	See “The Directory, Section III Retreat Facilities,” page 380: Edmundite Apostolate Center, Enders Island Mystic, CT 06355; Reverend Paul McGuillen, SSE, Director, Thirty-five rooms	“Journey of Awakening, a Meditator’s Guidebook,” by Ram Dass, ISBN 0-553-28572- 6, originally published June 1978
12/31/1978	<p>Summary of activities from 7/1-12/31/1978</p> <ul style="list-style-type: none"> <li>• Private retreats 56</li> <li>• Marriage encounters 166</li> <li>• Engaged encounters 79</li> <li>• Parish groups 83</li> <li>• Organizations 164</li> <li>• Day of recollection 65</li> <li>• Evening of recollection 25</li> <li>• Community retreat 10</li> <li>• Singles retreat 13</li> </ul>	Apostolate Center Activities 7/1-12/31/1978

DATE	ACTIVITY	REFERENCE
	<ul style="list-style-type: none"> <li>Disadvantaged children's day 26</li> <li>Deacon program 202</li> <li>Creative initiative foundation 26</li> <li>Women's retreat 43</li> <li>School groups 224</li> <li>Charismatic retreat 30</li> <li>Youth ministry 352</li> <li>Seminary retreat 19</li> <li>Guests 260</li> <li>Religious / social activities 578</li> </ul> <p>TOTAL 2,421 MEALS SERVED 5,320 Income \$31,017</p>	
8/20/1979	<p>Re-zoned to RC-120 (Section 3.2; Now 3.1):</p> <ul style="list-style-type: none"> <li>Introduction of Non-Infringement Area buffer (ZR 3.25)</li> <li>"Churches and similar places of worship, rectory" eliminated as a permitted or special permit use</li> </ul> <p>RC-120 Bulk Requirements (Section 3.21; Now 5.1.1):</p> <p>Minimum lot size: 120,000 square feet Front Yard: 75 feet Side Yard: 75 Rear Yard: 100 feet Maximum Height: 25 feet (NEW) Floor Area Ratio: 0.025 (NEW)</p> <ul style="list-style-type: none"> <li>Property use becomes more nonconforming (legal nonconforming) as religious retreat / place of worship is eliminated as a permitted or special use permit via a change in zoning designation;</li> <li>The new floor area ratio also made the property legal nonconforming from a bulk perspective;</li> </ul>	Stonington Zoning Regulations Edition #7, Effective 8/20/1979;
1981	<ul style="list-style-type: none"> <li>Books for Apostolate Center and St. Edmunds Novitiate House separated</li> <li>Apostolate Center is used 84% of the year with over 4,000 retreatants in 1981-1982</li> <li>Projected 1978-1982 Apostolate Center retreat revenue \$424,762.51</li> </ul>	1982 report "1978-1982 Apostolate Center"
10/28/1997	<ul style="list-style-type: none"> <li>Zoning Permit to build a 20'x30'x13' tall maintenance building; issued by Joseph Larkin – Zoning Enforcement Officer</li> <li>Completed in 1998 per Assessor's records</li> </ul>	ZON97-279;
	Zoning Permit to demolish and replace a building	ZON98-250
	Zoning Permit to put an addition on a shed	ZON99-228



DATE	ACTIVITY	REFERENCE
1999		Aerial Photograph UConn MAGIC
6/15/1999	<ul style="list-style-type: none"> <li>Floor Area Ratio increased from 0.025 to 0.04 in the RC-120 District.</li> <li>This amendment would have reduced the degree of legal nonconforming bulk on the property, but the property still exceeded the amount allowed;</li> </ul>	PZ9917RA;
9/22/2000	Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA - 42 U.S.C. §§ 2000cc, et seq.) signed into law by the Federal government	
4/5/2001	Coastal management approval for the chapel – Denied because maximum height was not in compliance with the code	PZ0114CAM
3/20/2001	Site plan application denied because maximum height was not in compliance with the code	PZ0115SPA
3/20/2001	Zoning amendment to change regulations. Denied	PZ0116ZC

DATE	ACTIVITY	REFERENCE
5/8/2001	<ul style="list-style-type: none"> <li>Variance application to increase height to from 25' to 50.5'; increase floor area ratio from 0.04 to 0.083 to enable chapel to be built</li> <li>The current gross floor area is now in conformance with the zoning regulations via the issuance of this variance</li> </ul>	ZBA01-12; Certificate of Variance 464/817
6/7/2001	Site plan approved; Bulk Table on approved / PZC-signed plans has "N/A" for required yards (side, front, rear) indicating that the Commission did not feel that yards applied to this property. Theoretically, yards do not matter on an island that has no abutting property owners.	PZ0126SPA
	Department of Planning administrative zoning permit aligned with PZ0126SPA approval	01-239ZON
12/6/2002	Certificate of Zoning Compliance for the Chapel	
10/31/2003	ST. EDMUND OF CONNECTICUT, INC. incorporated	BUSINESS ID 0764322
12/29/2003	Ownership transferred to St. Edmund of Connecticut Inc.	DEED 543/873
	<ul style="list-style-type: none"> <li>St. Edmund of Connecticut, Inc. (landlord) leases space to St. Edmund's Retreat, Inc. (tenant); 25-years</li> <li>RLUIPA explicitly protects "leasehold" interests in property - See 42 U.S.C. 2000cc-5(5);</li> </ul>	DEED 556/601;
3/7/2006	Gross Floor Area zoning definition amended.	
12/14/2007	Zoning Permit issued for new fire escapes on Building #2	07-408ZON
3/23/2011	Letter from Keith Brynes, Stonington Town Planner, that no additional permit is required for the recovery program. No increase in number of beds proposed.	
5/19/2011	Letter from Keith Brynes, Stonington Town Planner, that the rehabilitation program is consistent with the [legal non-conforming] retreat operations	
7/7/2011	"The use of Enders Island by St. Edmunds Retreat, Inc." prepared by Mystic Neighborhoods Preservation Association, Inc.	
7/11/2011	Gross Floor Area zoning definition amended.	
7/28/2011	Correspondence from Town Attorney, Tom Londregan, regarding potential application	SEE EXHIBIT 5
11/30/2011	Correspondence from Mystic Neighborhoods Preservation Association, Inc., regarding zoning compliance	
1/13/2015	CT DEEP Certificate of Permission #20103101-MG issued	
3/24/2015	Blog post from a Sacred Art program attendee: <a href="http://cjkenedyink.blogspot.com/2015/03/st-michaels-institute-of-sacred-art.html">http://cjkenedyink.blogspot.com/2015/03/st-michaels-institute-of-sacred-art.html</a>	
8/3/2015	Correspondence from Attorney Christopher Rixon regarding nonconforming uses at Enders Island	SEE EXHIBIT 6
2/2017	US ACOE Prepares Draft Finding of No Significant Impact, Draft Environmental Assessment,	



DATE	ACTIVITY	REFERENCE
7/30/2017	Correspondence from Penelope Townsend the First Selectman Rob Simmons	SEE EXHIBIT 7
8/14/2017	Four zoning complaints filed	#17-054 – SEE EXHIBIT 8; #17-055 – SEE EXHIBIT 9; #17-056 – SEE EXHIBIT 10; #17-057 – SEE EXHIBIT 11;
8/17/2017	Site inspection by Zoning Official and Director of Planning – No violations were observed during the inspection. The Director of Planning had inspected the property a decade earlier in response to neighbor concerns. He noted no physical changes to the operations on the island.	
1.11.2018	Enders Island Zoning Compliance Report issued to Planning and Zoning Commission for review	

## 4. ADDITIONAL CONTEXT

### NONCONFORMING USES IN CONNECTICUT

The right to continue a preexisting, legal nonconforming use is protected by state law. Connecticut General Statutes Section 8-2(a): “...Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use...”

It is a vested right, that adheres with the land.

It can be a difficult concept for people to understand the relief valve that was placed within the state zoning enabling laws. There can be uses that are not permitted within a community, but because they were in existence prior to the town’s zoning law, they are allowed to continue as preexisting, legal nonconformities. Further, over time the courts have determined that some changes to these preexisting uses is likely to occur as a result of new technologies, market forces and other factors. As a result, the concept of “Expansion” (not allowed) versus “Intensification” (allowed) of a preexisting, legal nonconformity has evolved.

### TYPES OF USES IN ZONING

ALLOWED			NOT ALLOWED	NONCONFORMING	
NO PERMIT	PERMIT	SPECIAL PERMIT		PREEXISTING LEGAL	ILLEGAL

### ZONING CONCEPTS: “EXPANSION” VERSUS “INTENSIFICATION”

Per the treatise “Land use law and Practice,” by Robert Fuller, Connecticut courts have provided the following factors for whether the activities on a property are within the scope of a nonconforming use:

- 1 The extent to which the current use reflects **the nature and purpose** of the original use
- 2 Any **differences in character, nature and kind of use** involved

- 3 Any **substantial difference in effect** upon the neighborhood resulting from the **difference in the activities** conducted on the property.

The burden of proving **Expansion** or **Intensification** rests with the Town. Ultimately, for Enders Island the Town needs to frame this discussion within the confines of RLUIPA, i.e., “[D]oes the government action place substantial pressure on a religious institution to violate its religious beliefs or effectively bar a religious institution from using its property in the exercise of its religion?”

#### CONNECTICUT COASTAL MANAGEMENT ACT – WATER DEPENDENT USE

As required by the Connecticut Coastal Management Act (CCMA) waterfront sites should, in most instances, be developed with water-dependent uses, unless site specific characteristics prevent such use. General public access to coastal waters, as used in the statutory definition of “water-dependent uses,” are uses or facilities which provide for recreational use or enjoyment of coastal waters and/or their adjacent shoreline by the general public. General public recreational use and enjoyment includes, but is not limited to: fishing, hiking, boat launching, birding or wildlife observation, and general passive enjoyment of scenic waterfront coastal views and vistas.

#### DOES PASSIVE RECREATION REQUIRE A PERMIT?

No.

Historically, the Town of Stonington Planning and Zoning Commission has not required permits for the creation of open space, public access, or trails anywhere within their jurisdiction. These amenities have always been considered a “value added” element that does not warrant mitigation of potential adverse impacts.

It is often believed that the community benefits of public access, trails, and undeveloped open land far outweigh any potential short-term impacts resulting from hikers, bird-watchers and people enjoying a picnic.

#### WHAT IS A RETREAT?

Stonington’s Zoning Regulations do not define the term “retreat.” As such, we are forced to follow the colloquial use of the term. In searching out the meaning of the word, we queried Merriam Webster dictionary, which defines it as:

- a place of privacy or safety: refuge (shelter or protection from danger or distress)
  - a period of group withdrawal for prayer, meditation, study, or instruction under a director
- [merriam-webster.com/dictionary/retreat](http://merriam-webster.com/dictionary/retreat)

Rutherford, TN had a draft zoning definition: A facility owned and operated by a non-governmental entity for the purpose of providing a rural setting in which temporary lodging, camping and / or conferences, meeting, and event facilities are provided with or without compensation.

#### WHAT IS A RESORT

In searching out the meaning of the word, we queried Merriam Webster dictionary, which defines it as:

- a place designed to provide recreation, entertainment, and accommodation especially to vacationers.

[merriam-webster.com/dictionary/resort](http://merriam-webster.com/dictionary/resort)

It appears that a **retreat** is a type of **resort**.

## APPENDIX

### Website Details:

#### CATHOLIC PSYCH INSTITUTE

##### What Services Do We Offer?

- Marriage and Family Therapy
- Individual Therapy
- Pre-Marital Couples counseling
- Vocational Counseling
- Parenting Workshops for Defiant Behavior
- Mindfulness Workshops for Dealing with Stress and Anxiety
- Individual and Group Therapy for Healing from Sexual Trauma

##### Why Do We Do It?

Pope John Paul II called mental health professionals to pursue their training in an atmosphere of Truth, Beauty, and Goodness. This means that a Catholic Psychologist is a person trained in the psychological sciences as well as philosophy and theology. A Catholic Psychologist believes that all truths are derived from the Source of truth, and therefore cannot contradict each other.

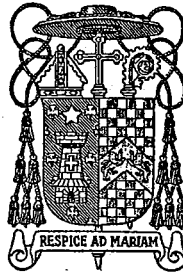
The integration of a Catholic understanding of the human person and sound principles of psychology creates an environment where your individual dignity is respected while proven methods of therapeutic intervention are applied.

#### RECOVERY RESIDENCE

We are a post-treatment, transitional sober living community for young men primarily between the ages of 18 and 30 —grounded in the spiritual principles of the Twelve Steps. Since 2006, we have helped shape the lives of numerous young men to live healthy, fulfilling, and successful lives in long-term recovery. We take particular interest in helping college-aged students return to school and begin thriving academically. We help college graduates develop the necessary tools to pursue a professional career, and assist the vocationally-inclined in gaining and maintaining employment. Our ongoing mission is to instill in each young man the confidence and abilities he needs to be an active participant in his family, his community, and his own recovery.

## EXHIBITS

EXHIBIT 1	10.9.1954 Letter from Bishop Flanagan to Father Purtill, S.S.E.
EXHIBIT 2	10.13.1954 Letter from Father Purtill, S.S. E. to Bishop Flanagan
EXHIBIT 3	10.21.1954 New London Day Article
EXHIBIT 4	8.31.1977 Apostolate Center Activities Report
EXHIBIT 5	7.28.2011 Letter from Tom Londregan, Town Attorney
EXHIBIT 6	8.3.2015 Letter from Christopher J. Rixon to Stonington First Selectman George Crouse
EXHIBIT 7	7.30.2017 Letter from Penelope Townsend to Stonington First Selectman Rob Simmons
EXHIBIT 8	8.18.2017 Zoning Complaint #17-054
EXHIBIT 9	8.18.2017 Zoning Complaint #17-055
EXHIBIT 10	8.18.2017 Zoning Complaint #17-056
EXHIBIT 11	8.18.2017 Zoning Complaint #17-057



213 BROADWAY  
NORWICH, CONNECTICUT

October 9, 1954

Very Rev. Jeremiah T. Purtill, S.S.E., Superior General  
Fathers of St. Edmund  
St. Michael's College  
Winooski, Vermont

Dear Father Purtill:

By virtue of this letter, I formally approve the erection of a Religious House for the Fathers of St. Edmund in the Diocese of Norwich, the House to be located on Enders Island, in the Town of Stonington, Connecticut.

It is understood that this House is to serve, primarily, as a novitiate for the Community, but I express the hope that it will serve to carry out the other good works which are proper to your Congregation, as time goes on.

I am sure the priests and people alike will welcome the Fathers of St. Edmund to our Diocese, and none, of course, will be more delighted to have you than the Bishop. This will be the first new religious house to be established in our Diocese, and I know your prayers are joined to mine that it will be a fruitful source of blessings both to us and to your Community.

Devotedly yours in Christ,

+ *Bernard J. Flanagan*  
Bishop of Norwich

SOCIETY OF ST. EDMUND  
WINOOSKI, VERMONT

EXHIBIT 2

OFFICE OF THE SUPERIOR GENERAL

October 13, 1954

Most Reverend Bernard J. Flanagan, D.D.  
Bishop of Norwich  
213 Broadway  
Norwich, Connecticut

Dear Bishop Flanagan:

Thank you for your letter of October 9th in which you formally approved the erection of our house on Enders Island in the Town of Stonington.

I do not need to tell you again our deep gratitude to you for permitting us to work in your diocese and for having made possible the gift to us of Enders Island.

We will be most anxious to repay you and the diocese for this kindness by a devoted ministry.

With all good wishes, I am,

Very sincerely yours in Christ,

*J. T. Purcell*



# Palatial Enders Island Estate Assumes New Role—Novitiate for Catholic Order

The Society of St. Edmund, to which Mrs. Thomas B. Enders last January bequeathed scenic Enders Island off the southeast end of Mason's Island, Stonington, took over the property this week.

The Very Rev. Jeremiah T. Purcell, a Pawcatuck native who attended Stonington High school, was at the estate this week and told The Day the novitiate staff will move here Nov. 1.

A graduate of St. Michael's college which the society founded in 1901 near Burlington, Vt., Father Purcell in 1948 was elected superior general of the society, its highest post. He had taken advanced degrees from Notre Dame university and the University of Ottawa and formerly was master

of novices for the society. In charge of all members and works throughout the world, he resides in St. Joseph's hall, adjacent to the campus of St. Michael's at Winoski Park, Vt.

Mrs. Alys Enders, widow of a Hartford physician who erected the mansion and had installed a costly seawall and extensive gardens provided that her secretary for 25 years, Miss Hilda Johnson, and other employees could have the use of the estate for two years from her death last Jan. 30. They relinquished that right but remained on the island to assist in making the transfer to the society, which was completed this week.

The private island, connected to the larger by a vehicular bridge across a rock strewn strait, will be used by the society as a novitiate (replacing St. Joseph's novitiate at Putney, Vt.) and will be available for days of recollection and private retreats by priests of the diocese of Norwich.

Father Purcell said today: "The Society of St. Edmund is deeply grateful to his excellency, Bishop Bernard J. Flanagan, for the opportunity to work in the diocese of Norwich. The splendid gift of Enders Island by Mrs. Alys Enders came to us through the solicited of Bishop Flanagan.

The first work of the society in the Norwich diocese will be the opening of St. Edmund's novitiate on the property. For the

success of this work we rely upon the good prayers of the priests and people of the diocese. In return, we express the hope that this work and our other ministries may be the source of good to the church of Norwich."

The superior general said the Very Rev. Arthur A. Rivaud, who spent ten years in teaching and then as a missionary in the south, will continue as master of novices, in charge of their training. A head of the house is to be designated soon.

Father Purcell explained that initially there will be four priests, four brothers of the order, and four novices stationed on the island. A chapel is to be constructed to complete the conversion from the secular.

After the second year of college work in connection with St. Edmund's junior seminary at Wilmsted, the novice makes a ten-

day retreat and is then clothed with the religious habit.

Then begins one year of basic training in religious life.

"Secluded from all distractions and outside activities, the novice is given a full year to test his vocation. The vows of poverty, chastity and obedience are made known to him in their fullest meaning.

The rules and constitutions of the Society of St. Edmund are studied. Meditation, prayer life, the mass, spiritual reading and Latin are his daily life."

Completing this year on Enders island, the novice will become a fully professed member of the society and return to St. Michael's for two years in the scholasticate.

The final four years of preparation are spent either at St. Edmund's major seminary in Burlington (itself housed in a three-story brick mansion of colonial style) or at the Gregorian university in Rome. The climax is reached in the ceremony of ordination.

Training for Brothers

The novitiate training applies equally to those who wish to become brothers, dedicating to God whatever manual skill they possess. The society offers men between 16 and 35 years of age opportunity to lead a religious life as a lay brother, and has many places for them in mission territories, schools and colleges.

Edmund Rich, born in 1180 at Abington, England, taught mathematics at Oxford university and, after studies in Paris, later lectured in theology. In 1215 he was named Archbishop of Canterbury but died in 1240 while in exile for striving to force Henry III to abide by the provisions of the Magna Charta and to respect the rights of the church.

St. Edmund's remains are enshrined in the abbey church at Pontigny, France, and there in 1843, the Ven. John B. Muard founded the order. At the beginning of the century, the society also was forced into exile by an anti-clerical government in France.

Life began anew in the United States in 1904 with the founding of St. Michael's and now the society does missionary, parish, educational and preaching activities in Vermont, Alabama, New York and North Carolina, having also conduct of parishes in England, France and Canada.

Week of June 27

Garden area: picnic for Multiple Sclerosis. St. Luke picnic. 10 priests from Diocese of Hartford, 5 priests from Diocese of N.Y. (Bronx). Fr. Alfred Merusi, Fr. Charles Giancola, Bro. Michael Jacques cousin and nephew.

Week of July 4

Norwich Youth Ministry office. Fr. McMahon's neices. Bro. Tansey and 6 boys. Irene Stebbins and friend Velma Phillips. Norwich Youth Ministry office with 25 persons.

Week of July 11

Sr. Patricia, Sister Madeline Spear, Sister Helen, Fr. Peter Brown with 10 students. Fr. Burke. United Methodist group (Gales Ferry) 30 persons-picnic. Larry Matteau's parents, Joe Wait's nephew and niece.

Week of July 18

Ray Doherty and 3 guests, Fr. Stankiewicz and his two sisters, Sister Roberta. Frank McMahon's mother. Summer Associate Program thru 8/22, Fr. John Burke. Harry and Mrs. Scully.

Week of July 25

Sr. Polworth. Harry Scully and wife leave Tuesday.

Week of August 1

Summer Associate Program. Frs. Critella and DiMaio. Fr. Janowski's sister and her husband.

Week of August 8

Picnic-Mystic, Marriage Encounter Group. Mr. & Mrs. Scully and Rita and Mary. 4 Franciscan Friars-St. Hyacinth College order of Friars Minor Cove, Granby, Ma. St. Patricks parish C.C.D. group.

Week of August 15

Mainstreet House picnic-40 persons. Frs. James Heft and Tim Eden. Scholastics retreat. 2 priests-Springfield Dioces: Ed Keoyask and Dick. Sr. Susam Meritt. Stan Deresienski and Damien Evans. Mr. & Mrs. Barewicz and guests. Joe McLaughlin, John Meagher. Noank Baptist Church picnic-25 persons. Rev. Gerry Konaczynski.

Week of August 22

Edmundite Retreat. Wethersfield C.C.D. teachers-30. Sr. Claudette and 2 sisters.



Week of November 7

EXHIBIT 4

PAGE 2

Day of Rec. Program. Retreat for Deacon Rick Albamonti.

Week of November 14

Youth program, Fr. John Zalonis. Fr. Bill Stack. Dr. & Mrs. Charles Poirier.

Week of Nov 21

40 students, Day program, Fr. Robert Lysz. Oceanology club.

Week of Nov 28

Week of December 5

Seabury Episcopal church group, Day Program. (planning)

Week of December 12

Sr. Susan Merritt. Toronto Seminarians arrive for Christmas holidays.

Week of Dec. 19

Candidates workshop.

Week of December 26

Week of January 2

Montville C.C.D. retreat-25 persons.

Week of January 9

Week of January 16

John Meagher. N.E. Training Institute-13 persons-John Sevanson. Greenwich retreat-21 persons-Fr. Andrew Curack. Waterford Presbyterian group. Montville C.C.D. group.

Week of January 23

Russ Wise. Fr. Gokey.

Week of January 30

Immaculate conception-Westerly: confirmation retreat-45 persons

Week of February 13

St. Alphonsus-New Canaan C.Y.O. Kevin Callahan and 2 students. Our Lady of Lakes C.Y.O.

Week of May 22

Intercommunity Novitiate picnic. Mary Polworth. Laymen's retreat: Jack Murphy-5-10 persons.

Week of May 29

Fr. Moran: Mt. Calvary Retreat House (4 Men 2 Women). Dick & Tom Bérubé & parents. Fr. Leo O'Neill and John Burke. 8th grade-Mrs. JoAnn Fabry-Fairfield CT.. Masters School rescheduled from 6/17. Sr. Merit & companion, Sr. Blanche. 30 sisters for outdoor picnic.

Week of June 5

St. Bridgets Guild-Moodus-33 persons-discussion-benediction, St. Raphael-Bridgeport-8th grade. Catholic Guild for blind. 25 Evrda Vocation Directors. Mr. & Mrs. Jacques.

Week of June 12

Noank Baptist Church picnic. 2 ladies from Greenfield Park. Mr. & Mrs. Ortale.

Week of June 19

Mrs. McMahon. Paul Pinard group-55 persons, Sr. Susan Merit.

Week of June 26

Paul Pinard group-55 persons. S.M.C. alumni picnic. 6 priests from Springfield Diocese-Fr. Richard Riendeau. Bro. Francisco Chavez, Quota club-Westerly, R. I. Daughters of Isabella Day of Recollection. C.C.D. group-John Sabol, Mike McMorrow's mother & sister, Sue Novack's parents.

Week of July 3

Summer Associate Program, John Stankiewicz, Frs. John Burke & Wayne Benton & Leo O'Neill, Olivia Langlois, Daughters of the Holy Spirit, Mr. & Mrs. Ortale.

Week of July 10

Sr. Madeline & Bill Spear, Summer Associate Program, Fr. Evans: C.Y.O. picnic-St. Francis, Warwick, Fr. Jeff Conway & 5 students, Ralph Ditucci, Oral School students Retreat: Fr. Jim Carini

Week of July 17

Summer Associate Program, Fathers Mike Motta, Bill Traxl and Bill Wetzler-Hartford Diocese, Mr. Fryed, Mr. & Mrs. Fillette, Rev. Edwin Moran & 3 companions (Mrs. Moran, Mrs. Ann Trefz & Sister Blanche Barette, S.S.A.), Fr. Arthur Rivard & Mrs. Louis Divard, Fr. Lanoue, Jim & Betty Michaels & Ann, Noank Baptist Church-Rev. Pratt; picnic, St. Patrick's parish picnic, St. Vincent-Bridgeport-30 persons.



Society of St. Edmund

ANDERS ISLAND  
MYSTIC, CONNECTICUT 06355

Telephone: [203] 536-8210

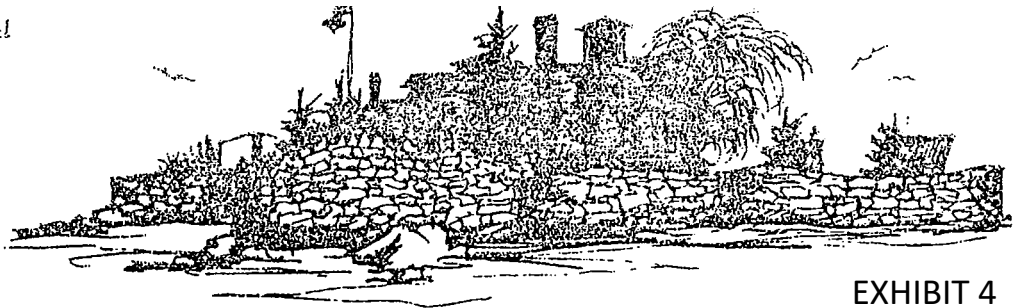


EXHIBIT 4

PAGE 4

EDMUNDITE APOSTOLIC CENTER SCHEDULE - 1977-1978 (Continued)

May Weekends:

12-14 Marriage Encounter (60)

19-21 A.A. Retreat (30)

26-28 Youth Retreat (30)

June Weekends:

2-5 Associate Program  
with Assumptionists (10)

9-11 S.S.E. Chapter

16-18 S.S.E. Chapter

23-25 S.S.E. Chapter

Only Weekends still available:

Sept: 2-4 and 9-11

Jan.: 13-15

May: 5-7

June: 29-July 1

July: 7-9 and 21-23

August: 4-6

July Weekends:

14-16 Marriage Encounter (60)

28-30 Marriage Encounter (60)

August Weekends:

11-13 S.S.E.'s

18-20 S.S.E.'s

25-27 S.S.E.'s



EXHIBIT 4

PAGE 5

GROUP RATES:

Overnight and no Meals-----	\$9.00
Overnight and 1 Meal-----	\$12.00
(Breakfast)	
Overnight and 2 Meals-----	\$15.00
(Breakfast & Lunch)	
Overnight and 3 Meals-----	\$20.00
2- Overnights and 4 Meals-----	\$25.00
2- Overnights and 5 Meals-----	\$30.00
2- Overnights and 6 Meals-----	\$35.00
3- Overnights and 7 Meals-----	\$40.00
3- Overnights and 8 Meals-----	\$45.00
3- Overnights and 9 Meals-----	\$50.00

SINGLE RATES:

Per Day-----	\$20.00
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ALL RATES CAN VARY UPON THE SIZE TO HELP YOU .



*Edmundite Apostolate Center*

ENDERS ISLAND  
MYSTIC, CONNECTICUT 06355  
TELEPHONE: [203] 536-0565



APOSTOLATE CENTER

SUMMARY

JULY 1 - DEC. 31, 1978

EXHIBIT 4

PAGE 6

Private retreats	56
Marriage Encounters	166
Engaged Encounters	79
Parish Groups	83
Organizations	164
Day of Recollection	65
Evening of Recollection	25
Community Retreat (not members of house)	10
Singles retreat	13
Disadvantaged Children's Day	26
Deacon Program	202
Creative Initiative Foundation	26
Women's Retreat	43
School Groups	224
Charismatic Retreat	30
Youth Ministry	352
Seminary Retreat	19
Guests	260
Religious/Social activities	<u>578</u>

Total

2421

EDMUNDITE CONDUCTED

Fr. La charite	2
Fr. Conlin )	
Sister Joanne )	5
Fr. Cray	1
Youth Ministry	<u>7</u>

Total

15

LENGTH OF STAY

One night	209
Two nights	500
Three nights	67
Four nights	27
Five nights	42



*Edmundite Apostolate Center*

ENDERS ISLAND  
MYSTIC, CONNECTICUT 06355  
TELEPHONE: (203) 536-0565



-2-

EXHIBIT 4

PAGE 7

Six nights	6
Seven nights	4
Eight nights	3
Eighteen nights	1

NUMBER OF MEALS SERVED

5320

INCOME

Income received	\$28,436.19
Income due	<u>2,581.00</u>

Total

\$31,017.19

# CONWAY, LONDREGAN, SHEEHAN & MONACO, P.C.

ATTORNEYS AT LAW  
38 HUNTINGTON STREET, P.O. BOX 1351  
NEW LONDON, CONNECTICUT 06320-1351  
(860) 447-3171 / Fax (860) 444-6103  
www.conwaylondregan.com

EXHIBIT 5

PAGE 1

KEVIN W. CONWAY *OF COUNSEL*  
FRANCIS T. LONDREGAN (1935-2008)  
THOMAS J. LONDREGAN *§12*  
MICHAEL W. SHEEHAN  
RALPH J. MONACO *\*§12*  
BRIAN K. ESTEP + †  
JEFFREY T. LONDREGAN *§12*  
PATRICK J. DAY+  
JONATHAN T. LANE

THOMAS J. LONDREGAN  
[tlondregan@clsmllaw.com](mailto:tlondregan@clsmllaw.com)

*§12* ADMITTED TO US SUPREME COURT.

\* BOARD CERTIFIED TRIAL ATTORNEY

† ALSO ADMITTED IN NY †

+ ALSO ADMITTED IN PA

July 28, 2011

William Haase, Planning Director,  
And All Land Use Commissions  
Town of Stonington  
152 Elm Street  
Stonington, CT 06372

Re: **St. Edmunds' Retreat**  
**"Fourteen Bed Treatment Facility for Substance Abusive Men**  
**(Intermediate and Long-term Care)"**  
**Enders Island, Mystic, CT**

RECEIVED  
2011 AUG - 1 P 2:52  
TOWN OF STONINGTON  
PLANNING & ZONING

Dear Bill and Board and Commission Members:

William Haase, Planning Director for the Town of Stonington, has asked us to analyze several zoning issues arising from St. Edmunds Retreat's ("St. Edmunds" or the "Society") application for a Certificate of Need to the Connecticut Office of Health Care Access relating to a fourteen bed treatment facility for substance abusive men, providing both intermediate and long-term care (90 days and 18 months respectively) for recovery from substance abuse. As I dictate this letter, the Town does not know if an application will be made to the Planning and Zoning Commission or the Zoning Board of Appeals.

## DISCUSSION

### *Facts*

St. Edmund's Retreat, Inc. owns and operates an 11-acre island retreat center called Enders Island. St. Edmund's Retreat, Inc. was organized in 2003 as a 501(c)3 nonprofit corporation.

In 1954, Alys E. Enders transferred the property to the Society of St. Edmunds (the "Society") for use as a novitiate and retreat for priests of the Diocese of Norwich. The Society claims that that the

property was so used until the 1970's, when the need for a novitiate waned. The Society's website states that it has been hosting retreats at the property since 1969.<sup>1</sup>

Enders Island is located in an RC-120 (residential coastal) zone. Neither the current use of the property as a retreat, including the provision of "rehabilitative services", nor the proposed use as a substance abuse treatment facility are permitted in the RC-120 zone. Zoning Regulations, Sec. 3.1.

The retreats are open to members of the public on a non-religious, non-demoninational basis. A significant number of these retreats appear to focus on alcohol and drug addiction and recovery. This corresponds to a statement in the Certificate of Need Application (the "Application") that "For over forty-two years, Applicant has also dedicated much its efforts to helping those who are in recovery from addiction."

It seems clear that the programs offered by St. Edmunds were and are comprised of "directed, guided and private retreats for lay, religious, and clerical individuals and groups of many faith traditions, spiritual development workshops, adult education, twelve step recovery programs, and sacred art workshops." The Application goes on to state that "Over the years it has become one of the Applicant's missions to expand its repertoire of recovery based workshops, programs, lectures and offerings." In fact, the Enders Island website states that the center is open to business organizations and can "sleep and feed up to 70 individuals in a variety of facilities." It advertises that the center is "open to the public" and hosts 16,000 visitors per year.

Other secular events which apparently have been hosted at Enders Island include:

- Annual Spring craft fairs
- Fairfield University's MFA Program in Creative Writing
- The Connecticut Bead Society's 2011 Bead Retreat
- The Denison Pequotsepos Nature Center's Evening Garden Party
- The Waterford School Board Workshop meeting regarding a new Strategic Plan
- The Mystic Garden Club Flower Show

In the Application, St. Edmunds now proposes to establish an intermediate and long-term treatment facility for college age men experiencing substance abuse problems. In the Application, the Society denies that it will provide medical treatment to individuals entering the rehabilitation program:

Each student will have already completed a detoxification program. It is not the intent of the Applicant to provide detoxification services. Instead, detoxification or medical needs of each person will be provided by licensed medical partners in the local community. Applicant's role will be to provide safe, sober and a supporting community.

The Society claims that this intermediate and long-term program is a "natural extension of Applicant's mission." In support of this statement, the Society states that it has acted as a location

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<sup>1</sup> One interesting issue not addressed here is whether the restrictions in the deed from Alys E. Enders to the Society of St. Edmunds transferring the property prohibit use of the property for any purpose other than "as a novitiate for said society and as a place of retreat for the priests of the Diocese of Norwich." An analysis of the law of restrictive covenants, particularly the law governing "changed circumstances" would be necessary. Generally speaking, restrictive covenants must be narrowly construed and are not extended by implication. A substantial change in circumstances, including changes involving the needs of the Diocese and/or Society of St. Edmunds would require a court, sitting in equity, to alter, change or expand the restriction on the gift.



for meetings associated with various twelve-step meetings (e.g., Alcoholics Anonymous, Alanon, etc.) since 1969. Whether these meetings, or any retreat or service associated with them, entailed any type or form of medical treatment (as opposed to spiritual support and counseling) remains unclear.

### *Analysis*

1. **Whether the use of Enders Island for retreats predates zoning, making that particular use a pre-existing, nonconforming use that may be continued notwithstanding adoption of zoning regulations in 1961.**

The property appears to have been used for religious purposes since 1954, prior to the enactment of zoning regulations in 1961. The original religious purpose involved spiritual retreats for novitiates and priests of the Diocese of Norwich. In 1969, St. Edmunds' began offering rehabilitative services to non-clergy and members of the public. The question is whether this event constituted an impermissible expansion of the nonconformity or was merely an intensification of the nonconforming use. This is a factual analysis that will require the Society to submit evidence that:

- (1) its current activities predate zoning; or
- (2) that its current activity is an intensification and not an enlargement of its preexisting nonconforming use.

If the offering of retreats and rehabilitation services to non-clergy and members of the public represented an expansion of the nonconformity, then St. Edmunds would have to comply with zoning regulations existing at the time of the expansion unless a constitutional or statutory protection applies (analyzed below). If the event constituted simply an intensification of the nonconforming use, then the use would be grandfathered as part of the preexisting nonconformity. As you know continued use of a property that constitutes a preexisting, nonconforming use is protected under General Statutes §8-2 and Connecticut case law.

In response to any enforcement action, St. Edmunds might raise a defense of municipal estoppel. The Society would have to prove the elements of municipal estoppel, namely:

- (1) an authorized agent of the Town did or said something calculated or intended to induce a person to believe that certain facts existed and to act on that belief; and
- (2) the Society exercised due diligence to ascertain the truth and not only lacked knowledge of the true state of things but also had no convenience means of acquiring that knowledge; and
- (3) the Society had changed its position on the facts; and
- (4) the Society would be subjected to a substantial loss if the town were permitted to negate the acts of the municipal officials who granted the license / permit.

To answer these questions, each use or activity undertaken at Enders Island must be analyzed separately in light of the then-existing zoning regulations and any subsequent amendments, to determine whether each use or activity is, in fact, pre-existing, nonconforming. Any use or activity that is found to be pre-existing, nonconforming must then be analyzed to determine whether the use or activity was expanded, or merely intensified, over time. The ZBA / Commission will have to conduct a hearing on these factual issues.

**2. Whether the application of the Town's zoning regulations to the activities being conducted on Enders Island violates the United States Constitution or the Connecticut Constitution?**

The Society may argue that even if its treatment facility is not grandfathered or is an enlargement of a preexisting nonconforming use, or even if the Society acknowledges it is in violation of local zoning it may claim a federal right to conduct such activity under either the Religious Land Use and Institutionalized Persons Act (RLUIPA), Americans with Disabilities Act (ADA), and/or the Fair Housing Act (FHA). Only owners of land are proper parties for a RLUIPA claim. Tenants or lessees of property are not proper parties to raise a RLUIPA claim.

**3. Whether the contemplated use of Enders Island for intermediate and long-term care substance abuse treatment programs is protected by the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §2000cc et seq.?**

The First Amendment of the U.S. Constitution prohibits the government from "prohibiting the free exercise" of religion. Similarly, Article I, Section 3 of the Connecticut Constitution provides that "The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in the state; provided, that the right hereby declared and established, shall not be so construed as . . . to justify practices inconsistent with the peace and safety of the state."

In addition, the RLUIPA prohibits the government from:

[I]mposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly or institution (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest.

The Board or Commission cannot render a decision that "unduly burdens" the applicant's practice of religion as that term has been legally defined unless there is a very direct, narrow and "compelling" governmental reason for doing so. The issue of what would constitute a substantial burden with respect to any application depends upon a number of facts to be presented to the Board or Commission. The Board or Commission must act neutrally with respect to the application and place no burdens on the application not generally applying to other applicants. If bias is evident, that bias will be considered a "substantial burden." RLUIPA does not require that a Board or Commission grant relief to a religious applicant that it would deny to a secular applicant, however, the Board or Commission must take into consideration any burdens claimed by the applicant and may make some accommodations to the applicant for religious reasons.

The Society, as applicant, will have to present its claims on how any denial or modification of its application would be a substantial burden to its practice of religion. The Second Circuit Court of Appeals has recently ruled that land use laws impose a substantial burden on religious applicants only if such applicants are treated differently than secular applicants.

In summary, local zoning cannot place an unfair burden on religious practice unless there is a compelling governmental interest. There is no burden unless one shows discrimination. One

cannot discriminate against a religion. If there is no discrimination or disparate treatment there is no violation of law. If the law is applied in a neutral manner, there is no violation of the law.

Accordingly, the neutral application of legitimate land use restrictions, including planning and zoning ordinances and considerations, will not operate to trigger the substantial burden test applied under the RLUIPA. This will be a factual analysis whether the Town's planning and zoning authorities applied the restrictions or conditions of zoning in an arbitrary, capricious or unequal manner. The Society will have to answer these questions.

**4. Whether the contemplated use of Enders Island for as an intermediate and long-term care substance abuse treatment programs is protected by the American with Disabilities Act, 42 U.S.C. §12101 et seq.?**

Title II of the ADA provides:

[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

42 U.S.C. § 12132 (1994). The ADA was enacted in part to prevent the isolation and segregation of individuals with disabilities and to promote their assimilation into the mainstream of all aspects of community life, including housing. Under the ADA, local governments are explicitly prohibited from administering zoning procedures in a manner that subjects persons with disabilities to discrimination on the basis of their disability. The ADA also requires such entities to make reasonable accommodations for people with disabilities.

Under the ADA, an individual is considered disabled if he suffers from "a physical or mental impairment that substantially limits one or more of the major life activities of such individual." While alcoholism is considered an "impairment" within this definition, a person must still show that the impairment limited one or more of his "major life activities." The ADA defines "major life activities" to include "caring for oneself," as well as "thinking, communicating, and working." "Merely having an impairment does not make one disabled for purposes of the ADA."

If a person or group comes within the definition of disabled under the ADA, they must be afforded a reasonable accommodation. "A municipality discriminates in violation of the FHA, the ADA, or the Rehabilitation Act if it refuses to make changes to 'traditional rules or practices if necessary to permit a person with handicaps an equal opportunity to use and enjoy a dwelling.'" The determination of whether a requested accommodation is reasonable requires, among other things, balancing the needs of the parties involved. In particular, an accommodation is reasonable under the FHA "if it does not cause any undue hardship or fiscal or administrative burdens on the municipality, or does not undermine the basic purpose that the zoning ordinance seeks to achieve." The plaintiff asserting a reasonable accommodation claim under the ADA or FHA must identify a traditional rule or practice neutrally applied before a request for an accommodation triggers the protections of those statutes. The Society would have the burden to demonstrate its request for a reasonable accommodation.

Like the ADA, the FHA makes it unlawful to discriminate "in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap." The FHA requires that recovering addicts be afforded an equal opportunity to live in clean, safe, drug-free neighborhoods.

Discrimination is defined to include "a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling." Like the ADA, the FHA's prohibition extends to municipal entities, including zoning agencies and planning authorities and the decisions rendered by these agencies and authorities.

The FHA only applies to dwellings, which includes "any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families." There are two basic factors courts use to determine whether a facility constitutes a dwelling, rather than a shelter (which is not protected by the ADA or FHA): (1) whether the facility is designed for occupants intending to remain for a significant period; and (2) whether the occupants view the facility as a place to return to.

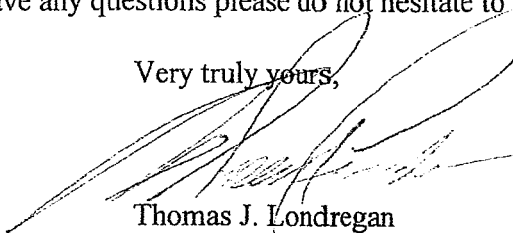
With respect to the second factor, courts tend to ask whether the occupants treat the facility as their home. For example, performance of household tasks such as cooking, cleaning and laundry have been identified as indicators that the facility is functioning as an actual dwelling, as opposed to a temporary shelter. It is not clear exactly what activities the participants in the proposed substance abuse treatment program will perform. The nature of the activities will be critical to a determination of whether the facility qualifies as a dwelling under the FHA. If it does, then the Town must analyze the issue of reasonable accommodations as set forth above. The Society must show that the FHA would apply to its programs.

## CONCLUSION

Any determination will involve a factual analysis and findings to determine whether or not any federal law trumps local zoning.

If you or any of the agencies' members have any questions please do not hesitate to give me a call.

Very truly yours,



Thomas J. Londregan

TJL:djk

F:\Files\Stonington\3700\3792 St Edmund's Substance Cntr\ltr to town 7 28 11.doc



REID AND RIEGE, P.C.  
COUNSELLORS AT LAW

EXHIBIT 6 PAGE 1

RECEIVED

2015 AUG -5 A 11: 01

TOWN OF STONINGTON  
PLANNING & ZONING

CHRISTOPHER J. RIXON  
ATTORNEY

ONE FINANCIAL PLAZA  
HARTFORD, CT 06103  
Phone: (860) 240-1052  
Cell: (860) 514-4334  
Fax: (860) 240-1002  
crixon@rrlawpc.com  
www.rrlawpc.com

August 3, 2015

**VIA OVERNIGHT MAIL**

Hon. George Crouse, First Selectman  
Town of Stonington  
152 Elm Street  
Stonington, CT 06378

Re: **St. Edmund's Retreat, Inc.**

Dear Mr. Crouse:

This letter is in response to issues raised by a few residents of Mason's Island in correspondence to you with respect to the use of the real property and improvement at Enders Island by its tenant, St. Edmund's Retreat, Inc. ("SER"), for a series of concerts this summer. Nothing in that letter, from the Mystic Neighborhoods Preservation Association, Inc. ("MNPA"), although it is copied to the Town of Stonington's zoning enforcement officer, alleges a violation of any specific provision of the Town's zoning regulations; however, we infer that the authors of the letter expect the Town to find a basis on which to act in a manner detrimental to SER's rights. Because the accusations are general in nature, so will be our reply.

SER is a Connecticut non-stock, nonprofit corporation, which was organized as and is operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Mission of SER is:

"To proclaim in word and deed the Gospel of Jesus Christ in the light of the Catholic Faith. St. Edmund's Retreat seeks to fulfill this mission by providing for the ministerial formation of priests; by offering retreats, spiritual development and educational programs for lay men and women, religious sisters and brothers, and priests; by producing other programs and services that answer the call for evangelization of the Church and the world; and by providing a place of retreat for the priests of the Diocese of Norwich."

Since the time of the establishment of St. Edmund's Retreat in 1954, Enders Island has required charitable contributions to maintain the facilities and grounds of the Island and to sustain the furtherance of the Mission. The proposed concert series, in part, serves the fundraising needs of SER. In addition, these concerts are consistent with the Mission "by

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producing other programs and services that answer the call for evangelization of the Church and the world.” The concert series is a means to preach the Gospel of Jesus Christ to the attendees.

The core of the retreat house’s activities predate the 1961 enactment of the Town of Stonington’s zoning regulations and are prior, nonconforming uses in which SER has vested property rights. The zoning regulations and map have been amended many times since then without ever addressing outdoor concerts. While we cannot pinpoint the argument in the MNPA letter, musical performances at Enders Island clearly pre-date any relevant regulatory provision. As a general matter, we believe it to be the case that in light of the centrality of song to Catholic religious observance for many centuries and its inevitable usage at Enders Island continually since 1954 that the specifics of where and by whom instruments are played and lyrics are sung will be of little moment to showing that it was already occurring when whatever regulation that music supposedly violates went into effect.

However, the chilling effect of the prospect of any zoning enforcement investigation or other official action against SER because of musical performance events on Enders Island presents an even more significant concern: The concerts planned by SER are activities protected by a Federal civil rights law, 42 U.S.C. §2000c, *et seq.*, the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”).

RLUIPA prohibits imposition of a “substantial burden” on religious activity through land use regulatory processes and, moreover, requires that religious institutions be treated at least equally with secular ones.

Section 2(a)(1) of RLUIPA mandates that

[n]o government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.<sup>1</sup>

---

<sup>1</sup> See also Section 52-571a of the Connecticut General Statutes, which provides in part:

- (a) The state or any political subdivision of the state shall not burden a person’s exercise of religion under section 3 of article first of the Constitution of the state even if the burden results from a rule of general applicability, except as provided in subsection (b) of this section.
- (b) The state or any political subdivision of the state may burden a person’s exercise of religion only if it demonstrates that application of the burden to the person (1) is in furtherance of a compelling governmental interest, and (2) is the least restrictive means of furthering that compelling governmental interest.

Under Section 5(5) of RLUIPA “The term ‘land use regulation’ [includes] a zoning ... law, or the application of such a law, that limits or restricts a claimant's use ... of land ... if the claimant has an ownership, leasehold ... or other property interest in the regulated land...” Section 5(7) of RLUIPA states, “The term ‘religious exercise’ includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” This latter clause has been held to specifically include a concert series hosted by a religious organization.

[The] concert series has a religious purpose, in that it (a) enables the church to collect financial contributions to further the church's mission, and (b) provides members with an opportunity to meet and educate non-members in the community about [the organization's] religion.

Episcopal Student Found. v. City of Ann Arbor, 341 F. Supp. 2d 691, 701 (E.D. Mich. 2004). The argument that the neighborhood association raises in its letter, that the Masons Island streets are private, not only ignores the fact that there is an express, deeded right and easement to use those streets in favor of SER, but also directly undercuts any claim that there is a legitimate “compelling governmental interest” to vindicate the purely private interest asserted by invoking zoning enforcement powers for the benefit of the private parties making the complaint.

The equal terms provision of RLUIPA, Section 2(b)(1), provides that “No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.”

We read the correspondence from the MNPA to you as inviting an “individualized assessment” of events proposed to be held on Enders Island and possibly some new, *ad hoc* restriction on use of the property that is different from the Town's past practice with respect to not only Enders Island but also similar, but non-religious properties. The Town cannot defend discriminatory land use action against a religious institution on the basis that only the religious institution was the subject of complaints by neighbors. See Third Church of Christ, Scientist, of New York City v. City of New York, 617 F. Supp. 2d 201, 205 (S.D.N.Y. 2008) *aff'd*, 626 F.3d 667 (2d Cir. 2010) (municipal action against catering events at church taken at the behest of “prominent, influential people” such as partners in major law firms violated RLUIPA).

SER and its affiliates have enjoyed the peaceable use of Enders Island since 1954 prior to the adoption of zoning regulations by the Town, and that use, consistent with the Mission, must be allowed to continue unfettered by any discriminatory measures urged by its neighbors to be taken by the Town. It must be noted that contemporaneously with such use has been a longstanding open dialogue with SER's neighbors on Masons Island and contributions over the years by SER toward the maintenance of the roads on Masons Island (over which SER has an express, deeded right and easement). The signatures of eight of those neighbors are not

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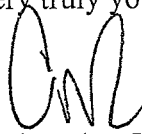
(c) A person whose exercise of religion has been burdened in violation of the provisions of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against the state or any political subdivision of the state.

Hon. George Crouse  
August 3, 2015  
Page 4

representative of the majority, many of whom are expected to attend one or more of these concerts.

For over 61 years the retreat house has operated Enders Island in keeping with the Mission and during that time the residential density of Masons Island has increased dramatically. SER's pre-existing use cannot now be limited because of this increased density and agitation by persons who chose to build or move to Masons Island and, themselves, contribute to the traffic congestion they complain about.

Very truly yours,



Christopher J. Rixon

Cc: Keith Brynes, AICP, CZET, Town Planner  
Candace Palmer, Zoning Enforcement Officer  
Timothy I. Duffy, Esq., Chair of the Board of Trustees  
Father Thomas F.X. Hoar, SSE, President, St. Edmund's Retreat, Inc.  
Frank J. Marco, Esq.



**PENELOPE D TOWNSEND**  
**MASONS ISLAND**

RECEIVED

JUL 31 2017

SELECTMANS OFFICE

July 30, 2017

EXHIBIT 7

PAGE 1

First Selectman Rob Simmons  
Town of Stonington  
152 Elm Street  
Stonington, CT 06378

Dear Mr. Simmons:

Enclosed is my letter to the USACE regarding Section 14 Shoreline Erosion Protection Enders Island, Stonington, Connecticut that I said I would copy to you. It is clear from my letter that I do not support this project.

Putting aside deed restrictions, I will focus on issues directly concerning Town matters and jurisdictions. Enders Island is an RC-120 district. Zoning ordinances were implemented after the Society of St. Edmund was deeded use of the property for a novitiate and a retreat for priests of the Diocese of Norwich. Since both of these uses were in place prior to adoption of zoning, they are grandfathered uses. According to the Enders Island website, the following are some of the current uses:

Spiritual Bed and Breakfast (\$240-350 for a romantic evening)  
Rental space for retreats  
Gift Shop  
Satellite Office of the Catholic Psych Institute  
Recovery Residence  
Sacred Arts Institute (partnering with Holy Apostles College and Seminary and  
Offering courses in calligraphy, woodcarving, mosaic, watercolor, etc.  
High school students can earn college credit.)  
Recovery Retreats  
12 Step Programs

How did this happen? According to Planning and Zoning there is no information on special use permits issued for Enders Island. Many of the listed uses are not eligible for a special permit in an RC-120 district. Two variances were granted in 2001. The hardships for these variances were not mentioned. I have a meeting with Jason Vincent and Candace Palmer at which time, I hope to review the activities listed on the Enders Island website and confirm which uses might be allowed under code and which have a special permit in place. After reading the code, none of the uses, except a bed and breakfast and then only with special permit seem to be allowed. I am confused. How can a Town ignore code violations?

I am also confused as to why the Town would support a project that has misrepresentations in the Public Notice and more importantly states the property is open to the public for recreational uses, a use not allowed in an RC-120 district and clearly not grandfathered. What are the consequences of that choice?

In our conversations and comments made to the residents of Masons Island on July 27, you have stated that there is no Town money committed to the Enders Island project and it is a way to leverage Federal dollars and only requires the Town checking a box supporting the project as the Town has done for other projects. You mentioned that Mr. Vincent is working with Enders Island. Unless he is doing this on his own time, the Town is paying him and any other Town employee working on this project. Isn't this Town money spent for this project? I appreciate the Town is working with local agencies and trying to capture Federal dollars to reduce local costs. In this instance, there are significant unintended consequences in trying to be a helpful neighbor and seeking Federal dollars none of which the Town is required to replace. How can the Town check a box supporting a project, the justification for which "public use" is a zoning violation? Does that mean that the Town wishes to create an area of public use in a residential neighborhood that can only be accessed by private roads? I don't understand. The expenditure of Federal money means the Federal government has decided that Enders Island is a public area. That finding would change the character of a part of Town. How does that align with current zoning? How can the Town justify taking an action in violation of its own ordinances? How does the Town explain

ignoring its own standards for granting special permits that no adverse effect will result to the character of the district?

In my many, recent conversations with the Diocese of Norwich and the Society of St. Edmund it is clear that Father Hoar is not connected to or controlled by either group. He is a priest that is an agent for and President and CEO of St. Edmund Retreat and St. Edmund of Connecticut of Connecticut both 501 (c)(3) corporations. Neither organization is controlled by, responsible to, or under the auspices of The Society of St. Edmund or the Catholic Church. Most people assume that St. Edmunds is a church but apparently, it is not. Both Corporations in their papers of incorporation agree to do nothing unlawful. Is not complying with zoning ordinances considered unlawful?

After reviewing and considering the impacts to the Town and the obligation of elected officials to operate within the law, I hope that the Town reconsiders and does not check the box to support this project. I believe you and your colleagues are honorable people. I know that this is not an easy decision but I trust that you and your colleagues will uphold your oath and abide by the laws of the Town.

Sincerely,



Penelope D. Townsend

[Penelope.d.townsend@gmail.com](mailto:Penelope.d.townsend@gmail.com)

860 245 3698

cc Selectman Michael Spellman  
Selectwoman Kate Rotella  
Melinda Carlisle  
Charles Hamm  
Robert Martin

**PENELOPE D TOWNSEND**  
**MASONS ISLAND**

July 30, 2017

The Army Corps of Engineers  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

Re: Section 14 Shoreline Erosion Protection  
Enders Island, Stonington, CT

Dear District Engineer:

The proposed shoreline erosion protection project on Enders Island, Stonington, Connecticut does not meet the criteria for USACE participation. Enders Island is not a public facility. By deed restrictions and Town zoning ordinances, Enders Island is not permitted to serve the public. The Public Notice dated July 6, 2017 contains significant factual errors.

Enders Island is owned by ST. Edmund of Connecticut, Inc., a 501(c)(3) corporation in the state of Connecticut. Exhibit 1, a tax card from Stonington, CT and Exhibit 2, a deed granting title both name St. Edmund of Connecticut, Inc. as the owner of record. The first sentence in the section headed Purpose and Need for Work is false. It states, " The Catholic Church's Archdiocese of Connecticut owns and operates the Enders Island facility (St. Edmund's Retreat) and associated property." The Diocese of Norwich has confirmed that the Catholic Church does not own or operate the property. St Patrick's, the local parish in Mystic, and the Diocese of Norwich stated that Enders Island is not a church or a parish. The Society of St. Edmund headquartered in Vermont, has also no connection, control or legal standing to St. Edmund Society of Connecticut, Inc.

The second sentence in the same section, " It is used by many church and non-church related groups as a retreat center and is open to the public on an equal basis regardless of religion." misrepresents the types of activities allowed on Enders Island by deed restriction and local zoning. In promoting the activities not allowed by conditions stated in the deed, St. Edmund of Connecticut, Inc. appears to be in jeopardy of no longer having a legitimate claim for use of

the property. The deed (Exhibit 3) gives title to The Society of St. Edmund provided the property is used solely for religious purposes set forth, a novitiate for the Society and a place of retreat for the priests of the Diocese of Norwich. The deed states that failure to use the property for the stated purpose renders the conveyance void and of no effect. The footnote on the second page of Exhibit 4 documents the Society's understanding of the deed. Public use of the property voids the ownership. The deed transferring title to St. Edmund of Connecticut is also subject to the original restrictions, Exhibit 2. The transfer of title is also questionable, as it was not provided for in the original deed Exhibit 3.

Enders Island is zoned RC-120, coastal residential. The uses existing prior to the adoption of zoning ordinances are grandfathered. Grandfathered uses are a novitiate and a retreat for Catholic priests of the Diocese of Norwich. Town zoning regulations in the RC-120 prohibits public or private recreational facilities, churches, wellness centers, schools, community centers, or congregate living. The complete list of activities allowed by special permit, and those not allowed is available online in Stonington Zoning Ordinance 5.1.2. By code, non-conformities may be reduced, but not expanded. The Town has issued two variances, one for height and the other for lot coverage. It has not issued any special use permits. Opening the grounds to the public as a recreational area for walking, biking, swimming, picnicking and fishing is not compliant with the zoning code or deed restrictions. There is no provision of the code that allows public use of Enders Island.

The Public Notice states that Enders Island is accessible via a causeway to Masons Island. A study commissioned by the Town looking at local dangers resulting from rising oceans noted the vulnerability of the causeway to Masons Island. Currently all residents are directed to leave the island in major storm events as the causeway may flood and in fact has. The preliminary thinking is that the causeway needs to be replaced by a bridge for which there is no current funding. There is a second causeway that narrows to one lane and connects the private road owned by Masons Island residents to Enders Island. This is a private causeway that must be maintained by the owner, St. Edmund of Connecticut Inc. for continued access.

In the purpose section, it is stated that 17,000 visitors annually go to Enders Island. Currently the intersection of Route 1 and Masons Island Road is a concern for both the Town and State for the level of service. All traffic to Enders Island must use that intersection. Once on Masons Island, traffic must travel over a mile of private roads. It was never intended that commercial traffic travel this private space where children play and ride bikes. In addition, there are significant safety, security and liability concerns for island residents resulting from increased traffic to Enders Island.

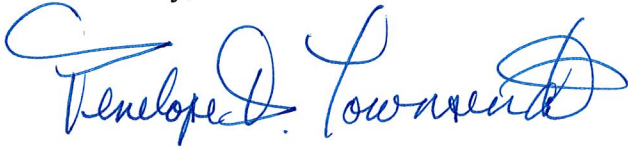
The purpose section mentions concern for proper function of the septic system with continued erosion of the seawall. The majority of the structures and the septic system are located in the 500-year flood zone on Enders Island. The State of Connecticut controls approvals and monitoring of the septic system. The structures and septic system are at significant elevation and should be much less of a concern than the causeway connecting Enders Island to Masons Island.



The impact to eelgrass beds and local fisheries has yet to be determined. Both resources have suffered in recent years from the increase in cladophera that smothers eelgrass. There are unanswered questions about the effect the proposed revetment will have on wave activity and how it will affect neighboring properties. Residents are also concerned about structural impacts to the private roads as a result of heavy equipment and materials transported across them. The proposed project has no provision for a public hearing.

In summary, the proposed project does not meet the criteria of public use and benefit. The project involves a property with unclear title and potential legal action. Town zoning and deed language restricts public uses beyond what is grandfathered, which is specific uses for the Catholic Church. Long-term use is uncertain due to causeway access. The Project Notice gives inaccurate information and is deficient in that regard. Continuing this project is inconsistent with Section 14 criteria and does not qualify for Federal participation and funding.

Sincerely,



Penelope D. Townsend

Property Owner

[penelope.d.townsend@gmail.com](mailto:penelope.d.townsend@gmail.com)

860 245 3698

Cc Rob Simmons, First Selectman Stonington, CT  
Robert Martin, President of Masons Island Property Owners Association  
Melinda Carlisle, Commodore Masons Island Yacht Club  
James McAuley, President Masons Island Fire District

<b>CURRENT OWNER</b> ST EDMUND OF CONNECTICUT INC P O BOX 399 MYSTIC, CT 06355 Additional Owners:		<b>TOPO.</b> 1 Level		<b>UTILITIES</b> 1 All Public		<b>STRT./ROAD</b> 1 Paved		<b>LOCATION</b> 2 Suburban		<b>CURRENT ASSESSMENT</b> Description Code Appraised Value Assessed Value EX COM LN 21 2,183,800 1,528,600 EX COM BL 22 1,962,900 1,374,100 EX CM OTB 25 47,300 33,100		6137 STONINGTON, CT											
<b>SUPPLEMENTAL DATA</b> Other ID: 178 1 1 CENSUS T: 7053 V 6.5 SIDE/C# FLOOD ZONE: RC-120 ASSOC PID# GIS ID: 178-1-1										<b>VISION</b>													
<b>RECORD OF OWNERSHIP</b> ST EDMUND OF CONNECTICUT INC SOCIETY OF ST EDMUND INC		<b>BK-VOL/PAGE</b> 543/ 873 103/ 302		<b>SALE DATE</b> 12/29/2003		<b>U</b> U		<b>W</b> I		<b>V.C.</b> 0		<b>PREVIOUS ASSESSMENTS (HISTORY)</b> Yr. Code Assessed Value Yr. Code Assessed Value 2016 21 1,528,600 2014 21 1,528,600 2016 22 1,374,100 2014 22 1,374,100 2016 25 33,100 2014 25 33,100											
<b>OTHER ASSESSMENTS</b> Yr. Code Description Number Amount Comm. Int. 2016 21 2,935,800.00 2016 22 2016 25												<b>Total:</b> 2,935,800		<b>Total:</b> 2,935,800									
<b>EXEMPTIONS</b> Year Type Description 0 IAAX PARISH HOUSE 12-8(14)												<b>Total:</b> 2,935,800.00		<b>Total:</b> 2,935,800									
<b>ASSESSING NEIGHBORHOOD</b> NBHD/SUB NBHD Name Street Index Name Tracing Batch 0920/A												<b>Total:</b> 2,935,800.00		<b>Total:</b> 2,935,800									
<b>NOTES</b> 2011 - FIRE DIST CORRECTED TO M.I. C/O FOR PERMIT 11-372 ISSUED 1/2012 DOCK DESTROYED 7/12 2012 REPAIRED SEAWALL, PIER 14X90												<b>APPROAISED VALUE SUMMARY</b> Appraised Bldg. Value (Card) 1,813,500 Appraised XF (B) Value (Bldg) 0 Appraised OB (L) Value (Bldg) 47,300 Appraised Land Value (Bldg) 2,183,800 Special Land Value 0 Total Appraised Parcel Value 4,194,000 Valuation Method: C Adjustment: 0		<b>EXHIBIT 7 PAGE 4</b>									
<b>BUILDING PERMIT RECORD</b> Permit ID Issue Date Type Description Amount Insp. Date % Comp. Date Comp. Comments 11-372 05/08/2012 RP Repairs 2,000 09/30/2011 0 09/30/2011 REBLD STONE PIER 99-327 09/07/2011 M Remodel 35,000 100 100 REMODEL GAR OF 7464 10/01/1997 4,000 100 20X58 ISFR ADD 7136 04/01/1997 56,000 100 20X32 EQUIP BLD REROOF												<b>VISIT/ CHANGE HISTORY</b> Date Type IS ID Cd. Purpose/Result 11/20/2012 SF 58 Review-Company 11/16/2012 GM 26 Bldg Permit 07/03/2012 TH 00 Measure- Listed 09/30/2011 MS 26 Bldg Permit 05/14/2002 RD 00 Measure- Listed		<b>NET TOTAL APPRAISED PARCEL VALUE</b> 4,194,000									
<b>LAND LINE VALUATION SECTION</b> B Use Code Use Description Zone D Front Depth Units Unit Price 1 9060 CHURCH MDL-94 6 5.70 AC 4,000 AC 115,200.00 1 9060 CHURCH MDL-94 5,000.00 0.3467 5 1.0000 Total Card Land Units: 9.70 AC Parcel Total Land Area: 9.7 AC												<b>ST. Idx Adj.</b> 4.00 0920 2.90 SITE 4.00 0920 2.90 ACCESS		<b>Notes- Adj</b>		<b>Special Pricing</b>		<b>S Adj Fact</b> 1.00 1.00		<b>Adj. Unit Price</b>		<b>Land Value</b> 1,853,200 330,600	
<b>Total Land Value:</b> 2,183,800																							





QUIT-CLAIM DEEDSTATUTORY FORM

THE SOCIETY OF ST. EDMUND, INC., whose mailing address is 270 Winooski Park, Colchester, VT 05439 ("Grantor") for divers good causes and consideration, received to its full satisfaction of ST. EDMUND OF CONNECTICUT, INC., does hereby give and grant unto ST. EDMUND OF CONNECTICUT, INC., its successors and assigns forever ("Grantee"), all right, title and interest of Grantor in and to that certain piece or parcel of property situated in the Town of Stonington, County of New London and State of Connecticut, known as Enders Island, together with all improvements, if any, located on such land, and together with all easements, privileges and other appurtenant rights granted to Grantor and its predecessors in title (such land, improvements, and appurtenant rights being collectively referred to as the "Property"). The Property is more fully described as follows:

Being known as "Enders Island," and situated in Fishers Island Sound at the mouth of the Mystic River, containing about ten (10) acres, more or less, once known as "Baker's Island," "Dodge's Island" and "Keeland's Island," and bounded on all sides by the sea,

which Property is subject to such conditions, covenants and restrictions as of record appear and as may be binding on the Property, which the Grantee, as part of the consideration for this deed, covenants and agrees with the Grantor it shall observe and perform.

TO HAVE AND TO HOLD the above-described premises unto the Grantee and the Grantee's successors and assigns forever for its and their own proper use and behoof.

[SIGNATURE PAGE FOLLOWS]

NO CONVEYANCE TAX COLLECTED  
CYNTHIA LADWIG  
TOWN CLERK OF STONINGTON CT

*Richard M. Myhalyk, SSE*

342315

VOL 543 PAGE 0874

IN WITNESS WHEREOF, Grantor has executed this Quit Claim Deed as of the 19 day of December, 2003.

Signed, Sealed and Delivered in  
in the presence of:

Thomas F. Van Dusen  
Thomas F. Van Dusen  
Alexa Nash  
Alexa Nash

GRANTOR:  
SOCIETY OF ST. EDMUND, INC.

Richard M. Myhalyk, SSE  
By: Rev. Richard M. Myhalyk, SSE  
Its: President, Duly Authorized

STATE OF VERMONT )  
COUNTY OF CHITTENDEN ) ss. Colchester

December, 19 2003

On this the 19<sup>th</sup> day of December, 2003, before me, the undersigned officer, personally appeared Rev. Richard M. Myhalyk, SSE, who acknowledged himself to be the President and Superior General of Society of St. Edmund, Inc., and that he, as such President and Superior General, being authorized so to do, executed the foregoing instrument for the purposes therein contained as his free act and deed and the free act and deed of the corporation, by signing the name of the corporation by himself as Rev. Richard M. Myhalyk, SSE.

In Witness Whereof I hereunto set my hand.

Carol J. Kruger  
Commissioner of the Superior Court/  
Notary Public  
My Commission Expires: 2/10/07

RECEIVED FOR RECORD  
STONINGTON, CT.

03 DEC 29 PM 12:46

CYNTHIA LADWIG  
TOWN CLERK

342315

VOL. 100 PAGE 331

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, That I, ALYS E. ENDERS, of Enders Island, in the Town of Stonington, County of New London and State of Connecticut, for the consideration of One Dollar (\$1.00) and other valuable considerations received to my full satisfaction of the SOCIETY OF ST. EDMUND, INCORPORATED, a Corporation organized and existing under the laws of the State of Vermont and located at Winooski in said State of Vermont, do hereby remise, release and forever Quit-Claim unto the said Society of St. Edmund, Incorporated, forever, all the right, title, interest, claim and demand whatsoever as I, the said Releasor, have or ought to have in or to all that certain tract of land, together with the buildings and improvements thereon standing, located in the Town of Stonington, County of New London and State of Connecticut, and more particularly described as follows:

Being known as "Enders Island", and situated in Fishers Island Sound at the mouth of the Mystic River, containing about ten (10) acres, more or less, once known as "Baker's Island", "Dodge's Island", and "Keeland's Island", and bounded on all sides by the sea.

Being the same premises conveyed to Thomas B. Enders by the Sisters of Charity of St. Vincent de Paul by deed dated August 24, 1910, and recorded in the Stonington Land Records, Vol. 54, page 466 to which reference is made for a more particular description.

Together with all of the right, title and interest granted and given to Thomas B. Enders by The Mason's Island Company under its indenture dated March 1, 1920, and recorded in the Stonington Land Records, Vol. 65, pages 433 and 434 to which reference is made for a more particular description.

Being the same premises and interests conveyed to Alys E. Enders by the warranty deed of Thomas B. Enders, dated January 16, 1932, and recorded in Vol. 70, page 302 of the Stonington Land Records.

Said premises are conveyed to and accepted by the grantee, Society of St. Edmund, Incorporated for use as a novitiate for said Society and as a place of retreat for the priests of the Diocese of Norwich, and

VOL. 100 PAGE 332

also subject to the following conditions, restrictions and reservations, hereinafter set forth:

1. There is reserved to the said Alys E. Enders, during the period of her natural life, the exclusive possession, use, control and management of said premises without any obligation or condition of any kind.
2. Upon the death of the said Alys E. Enders, Hilda Johnson, of Bolton, Connecticut, and such of the former employees of said Alys E. Enders as said Hilda Johnson shall designate, shall have, for and during a period of two (2) years after the death of said Alys E. Enders, the exclusive possession, use, control and management of said premises without any obligation or condition of any kind.

TO HAVE AND TO HOLD the premises, with all the appurtenances, unto the said Society of St. Edmund, Incorporated, forever, provided the same shall be used solely for religious purposes above set forth. Failure on the part of the grantee, the Society of St. Edmund, Incorporated, to use said property for the above mentioned religious purposes, shall render this agreement of conveyance void and of no effect, and the above described property shall revert to and become a part of the residuary estate of said Alys E. Enders, and be distributed in such manner and form as the laws of the State of Connecticut shall direct if said Alys E. Enders shall die intestate, or, in the event that the said Alys E. Enders shall die testate, in accordance with the terms of the residuary clause of her Will.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, at New London, Connecticut, this 8<sup>th</sup> day of January, A. D. 1954.

Alys E. Enders

Signed, sealed and delivered in presence of:

Hilda Johnson  
[Signature]

(The consideration for this deed is such that no revenue stamps are required).

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STATE OF CONNECTICUT, )  
COUNTY OF NEW LONDON. } ss. New London, January 8<sup>th</sup> 1954.

Personally appeared ALYS E. ENDERS, signer and  
sealer of the foregoing instrument, and acknowledged the same  
to be her free act and deed, before me,

*John J. Donahue*  
Commissioner of the Superior Court  
Notary Public.

Rec'd for record  
1/8 1954, at 11:30 AM.

*John J. Donahue*  
Town Clerk

## Academics

EXHIBIT 7

PAGE 11

Home &gt; Academics &gt; Library &gt; Archives &gt; Society of Saint Edmund &gt; SSE LA Mystic

## Archives - Collections

SOCIETY OF SAINT EDMUND ARCHIVES  
Local Administration  
Mystic  
1954-2004

Description  
2 cu. ft. (4 Boxes)

Arrangement  
Material is arranged alphabetically.

*SEE FOOTNOTE ON NEXT PAGE*

## History

In 1954, Alys E. Enders conveyed to the Society of Saint Edmund a 12-acre island near Mystic, Connecticut. This island, which is now known as Enders Island, was given to the Edmundites for use as a novitiate and a retreat center. On November 2, 1954, Rev. Eymard Galligan arrived on the island as the first Superior. Although the island had a mansion as well as outbuildings, the Edmundites undertook a number of improvements to make it suitable for the novitiate. By August 1955, a new chapel was completed and a causeway linking Enders to nearby Masons Island was begun. Other additions have been completed over the years, with a new chapel dedicated in Dec. 2002. Members of the House worked at St. Bernard's School in New London, CT, and administering St. Thomas More and Sacred Heart parishes in North Stonington and Groton, in addition to running a novitiate. For a time, the island was the home base of the Edmundites Seminary Guild, a fund-raising wing of the society. The Society of Saint Edmund, Connecticut, Inc. is the temporal branch of the Mystic works. Management of fiscal and legal affairs is usually conducted under its auspices. From 1976 to 2003, the Society ran the Edmundite Apostolate Center on the island. The Center was the home of successful retreats and spiritual programs including spiritual development, adult education and sacred art programs. Saint Michael's Institute of Sacred Art was launched in 1998 and has offered workshops in Early Christian Iconography, Traditional Iconography, Gregorian chant, Stained Glass, Manuscript Illumination & Gilding, and Fresco. In January 2004, control of most programs on the island reverted to the Diocese.

## Scope

The Mystic collection is arranged alphabetically. It consists mainly of files related to either the physical property or to the canonical house. Materials related to the Saint Edmund's Novitiate are not found here—they are located with other Houses of Formation. (See Note) The materials include correspondence, records related to the Apostolate Center and yearbooks from the years Edmundites taught at the school.

## Note

Although the Novitiate files are not here, many individual items may contain the word "novitiate," as the island and property were referred to as Novitiate for some time, both formally and informally. Materials that are directly related to the Edmundite Formation are filed with Houses of Formation.

## Related terms

Apostolate Center  
Saint Edmunds Novitiate  
Seminary Guild  
SSE of Ct., Inc.

## Folder List

## Box 1

- 1 Alys Enders last will and testament, Obituary
- 2 Apostolate Center Financial Reports and Budgets 1982-1985
- 3 Apostolate Center Financial Reports and Budgets 1986-1990
- 4 Apostolate Center Activity Summary 1977-1980
- 5 Apostolate Center Programs, Guides, Brochures
- 6 Apostolate Center Fundraising appeals
- 7 Apostolate Center Clippings, News Articles, Press releases
- 8 Apostolate Center Reports
- 9 Chapel Dedication Dec. 6, 2002
- 10 Clippings
- 11 Correspondence Corbett
- 12 Correspondence Galligan
- 13 Correspondence Galligan re: Causeway
- 14 Correspondence Galligan (with Diocese)
- 15 Correspondence LaCharite
- 16 Correspondence McQuillen
- 17 Encounter Programs 1970-1972
- 18 Facility Audit 1985
- 19 Fundraising 1960's
- 20 History Enders Island
- 21 House Chronicle 1986-87

## Box 2

- 1 House Minutes 1955-1968
- 2 House Minutes 1971-1983
- 3 House Minutes 1984-1989, 1994-95
- 4 Parishes St. Thomas More (N. Stonington)

## EXHIBIT 7

## PAGE 12

Parishes Sacred Heart (Groton)  
 Programs Brochures  
 Property Appraisal 1992  
 Property Construction 1970's-1980's  
 Property Construction Improvements 1950's-1960's  
 Property Dining Room Addition 1977  
 Property Insurance Information  
 Property Ragsdale Agreement  
 Property Sea Wall

## Box 3

Saint Bernard's High School General  
 Saint Bernard's High School Yearbook St. Bernard's H.S 1966  
 Saint Bernard's High School Yearbook 1967  
 Saint Bernard's High School Yearbook 1969  
 Saint Bernard's High School Yearbook 1970  
 SSE Inc. of CT Board Minutes  
 SSE Inc. of CT budgets and financial reports 1991  
 SSE Inc. of CT By-laws  
 SSE Inc. of CT Correspondence  
 SSE Inc. of CT Legal Documents

## Box 4

1	SG Correspondence	SG Purtill 1952-58 to Mystic House
2	SG Correspondence	SG Purtill 1958-64 to Mystic House
3	SG Correspondence	SG Purtill 1958-64 to St Bernard's H.S.
4	SG Correspondence	SG Galligan 1964-70 to Mystic House members
5	SG Correspondence	SG Galligan 1964-70 to Mystic House Superior
6	SG Correspondence	SG Galligan 1964-70 to St. Bernard's H.S.
7	SG Correspondence	SG Galligan 1970-74 to Mystic House members
8	SG Correspondence	SG Galligan 1970-74 to Mystic House superior
9	SG Correspondence	SG Galligan 1970-74 to St. Bernard's H.S.
10	SG Correspondence	SG Galligan 1970-74 to SSE of CT., Inc
11	SG Correspondence	SG Gokey 1974-78 to Mystic House
12	SG Correspondence	SG Gokey 1974-78 to Mystic House (LaCharite)
13	SG Correspondence	SG Gokey 1974-78 to Mystic Parishes St. Thomas More
14	SG Correspondence	SG Gokey 1974-78 to Mystic Parishes Sacred Heart
15	SG Correspondence	SG Gokey 1974-78 to St Bernard's H.S
16	SG Correspondence	SG Leary 1978-82 to Edmundite Apostolate Center
17	SG Correspondence	SG Leary 1978-82 to Mystic House
18	SG Correspondence	SG Leary 1978-82 to Mystic Parishes St. Thomas More
19	SG Correspondence	SG Leary 1982-86 to Edmundite Apostolate Center
20	SG Correspondence	SG Leary 1982-86 to Mystic House
21	SG Correspondence	SG Leary 1982-86 to Mystic Parishes Sacred Heart
22	SG Correspondence	SG Leary 1982-86 to Mystic Parishes St. Thomas More
23	SG Correspondence	SG McLaughlin 1986-90 to Edmundite Apostolate Center
24	SG Correspondence	SG McLaughlin 1986-90 to Mystic
25	SG Correspondence	SG McLaughlin 1986-90 to Mystic Parishes Sacred Heart
26	SG Correspondence	SG McLaughlin 1986-90 to Mystic Parishes St. Thomas More

\*The SSE were never given clear title to the Island. Instead, the Edmundites have use of the island for as long as they are engaged in the activities laid out above—Training priests or using it for retreats. If they should cease using it for these activities, title reverts to other beneficiaries of Alys Enders' will. For a full discussion of the topic, see the subject files of Superiors General Hart and Myhalyk, under "Future of Enders."

Created By: Elizabeth B. Scott December 22, 2004

Back to

Maintained by

**TOWN OF STONINGTON*****Department of Planning****152 Elm Street**Stonington, Connecticut 06378**Tel. 860-535-5095 • Fax 860-535-1023***COMPLAINT OF ZONING VIOLATION****Complaint #17-054**Date of Complaint: August 14, 2017Property Location: Enders Island, Mystic, CT 06355Map: 178    Block: 1    Lot: 1    Zone: RC-120Owner of Record: St. Edmund of Connecticut, Inc.  
P.O. Box 399  
Mystic, CT 06355

Complaint:            The Island is owned by St. Edmund of Connecticut and not affiliated with a religious organization. Many of the uses on the Island are not permitted in an RC-120 zone. No Special Use Permits have been applied for or issued. Non-conformity uses may not expand and they clearly have. Enders Island has expanded well beyond the grandfathered uses and the impact on the neighborhood is noticeable, especially with increased traffic.

Name of Person Reporting: Penelope D. TownsendAddress of Person Reporting: 27 Chippechaug Trail, Mystic, CT 06355Phone Number: 860-245-3698    cell 561-307-0225**For Office Use Only:**Verification Inspection Date: 8/17/2017

Violation(s)    Toured entire facility accompanied by J. Vincent and Chris Rixon [Consultant for Special Events]. Only one bedroom is designated for "Bed & Breakfast" It is the only bedroom with its own bathroom and is known as the Bishop's Room as it is where he and other dignitaries stay when they visit the island. There are multiple dining rooms, each a different size depending on the need, [Community dining room, Emmanus dining room and retreat dining room. Commercial kitchen as required by the

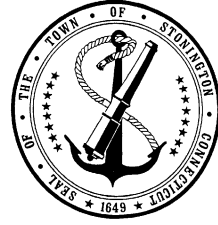


Public Health Dept. Two places of worship, the Fisherman's Chapel and Chapel of our Lady of the Assumption. The Book/Gift Shop store sells religious books, cards, water bottles, T-shirts with Ender's Island name. The shop consists of two bookcases with the various items on display. Jams and Jellies are made from the fruit trees on the island and are on display in a cupboard [two shelves] in the same "shop".

Rooms for the retreats share communal bathrooms and are simply appointed. The "Sacred Art Institute" consists of two rooms with a couple tables and supplies stored in free standing cupboards. The "Catholic Psych Institute" consists of one therapist. All activities listed on the web site from Guided Retreats to Prayerful Watercolor appear to be in line with the historical use of the Island. Fundraising is a part of any non-profit. That the island and the activities are being marketed in a way that is generating more use is an intensification NOT an expansion of a pre-existing use.

Comments: No violation observed.

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**TOWN OF STONINGTON*****Department of Planning****152 Elm Street**Stonington, Connecticut 06378**Tel. 860-535-5095 • Fax 860-535-1023***COMPLAINT OF ZONING VIOLATION****Complaint #17-055**Date of Complaint: August 14, 2017Property Location: Enders Island, Mystic, CT 06355Map: 178    Block: 1    Lot: 1    Zone: RC-120Owner of Record: St. Edmund of Connecticut, Inc.  
P.O. Box 399  
Mystic, CT 06355

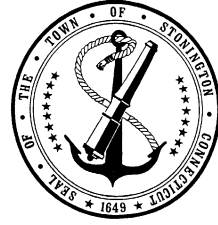
Complaint: Activities conducted on the premises far exceed those allowable in an RC 120 Zone. Some activities are: operating a resort; advertising as a "Premier Destination"; being used for parties, receptions; fundraising events, workshops, business symposiums; inviting the public to use the area as a public recreation area. The St. Edmunds Retreat website provides more information. A thorough investigation by Zoning Officials will no doubt expose other violations.

Name of Person Reporting: Hugh P. McGee, Jr. & Pamela D. McGee  
hughpmcgee@yahoo.comAddress of Person Reporting: 9 Plover Lane, Mystic, CT 06355Phone Number: 860-536-3905**For Office Use Only:**

Verification Inspection Date: \_\_\_\_\_

Violation(s) \_\_\_\_\_

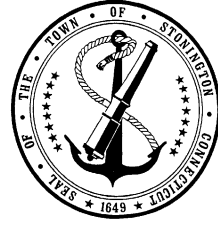
Comments: See Complaint #17-054

**TOWN OF STONINGTON*****Department of Planning****152 Elm Street**Stonington, Connecticut 06378**Tel. 860-535-5095 • Fax 860-535-1023***COMPLAINT OF ZONING VIOLATION****Complaint #17-056**Date of Complaint: August 14, 2017Property Location: Enders Island, Mystic, CT 06355Map: 178    Block: 1    Lot: 1    Zone: RC-120Owner of Record: St. Edmund of Connecticut, Inc.  
P.O. Box 399  
Mystic, CT 06355Complaint: While the rest of us respect the zoning regulations mitigating traffic  
and property use, the above owner has exceeded regulations.Name of Person Reporting: Charles HammAddress of Person Reporting: 6 Cove Hill Road, Mystic, CT 06355Phone Number: 860-572-3984**For Office Use Only:**

Verification Inspection Date: \_\_\_\_\_

Violation(s) \_\_\_\_\_

Comments: See Complaint #17-054

**TOWN OF STONINGTON*****Department of Planning****152 Elm Street**Stonington, Connecticut 06378**Tel. 860-535-5095 • Fax 860-535-1023***COMPLAINT OF ZONING VIOLATION****Complaint #17-057**Date of Complaint: August 14, 2017Property Location: Enders Island, Mystic, CT 06355Map: 178    Block: 1    Lot: 1    Zone: RC-120Owner of Record: St. Edmunds of Connecticut, Inc.  
P.O. Box 399  
Mystic, CT 06355Complaint: Extensive commercial traffic and other activities have disturbed the traditional peace and quiet of Mason's Island over the years. This traffic is counter to the Island's historical use and agreement with property owners and negatively impacts property values.Name of Person Reporting: Athanassios MichasAddress of Person Reporting: 1 Bayberry Lane, Mystic, CT 06355Phone Number: 860-572-9819 and 917-673-7301**For Office Use Only:**

Verification Inspection Date: \_\_\_\_\_

Violation(s) \_\_\_\_\_

Comments: See Complaint #17-054